TOWN OF GARDEN CITY

ORDINANCES

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PERMITTED AND CONDITIONAL USES IN ZONES. The following listed land uses are permitted (P) or allowed by conditional use (C) or Exceptions (E) in the various zones in accordance with the following matrix:

Land Use Description **Zone**	**RE/AG**	**R-1**	**MFR**	**RR**	**HE**	**C1**	**C2**	**C3**	**C4**	**HC**	**H/M**	**BD**	**M**
Dwelling & Accessories to Dwellings													
Single Family Residence	P	P	P	P	P	P		P	P		P	P	
Two Family Residence	C	C	P	P								C	
Three or Four Family Residence			P										
Multiple Family Apartment (More than Four)			C	C				P				C	
Group Dwelling			C	C								C	

Cluster Residential Dwellings, Cluster Development Minimum 2 acre site				C	C							C	
Boarding or Rooming house													
Hotel, Motel, Condo or Lodge				C		P		P	P	C	P	C	
Dormitory, Fraternity or Sorority													
Mobile Home or Trailer Park													
Accessory Uses & Bldgs	P	P	P	P	P				P				
Hobby Occupation	P	C	C	P	C								
Seniors Housing													
Dwelling for Proprietors & employees of the use and animal training													
Accessory Storage for Multiple Family Residence												C	
Residential Accessory Building & Uses	P	P	P	P		P		P	P			P	
(No Stand alone Building or Garage is allowed in any Residential Zone)													
Stand alone Building (only in Commercial)						C	C	C	C	C	C		
Lodging and/or boarding house (15 persons or less)			C										
Institutional Dwellings													
Assisted Living Facility, Elderly or Handicapped													
Nursing Care Facility													
Small Residential Health Care Facility													
Home Providing Residential Care for Minors			C										
Group Home for Homeless or Transients													

Land Use Description Zone	RE/AG	R-1	MFR	RR	HE	C1	C2	C3	C4	HC	H/M	BD	M
Community Support Services													
Church or Other Religious Facility	C	C	C										
Health Care Facility, Medical and Dental						P		P	P				
Hospital (Not animal)			C										
Post Office													
Public/Private Library, or Museum		C	C			P		P					
Private or Public School, College or University	C	C	C										
School, Business and Technical													
Cemetery, Mausoleum	C												
Lodge, Fraternal Societies (No alcohol served)			C	C									
Daycare	C	C	C	C						C			
Studios													
Municipal Fire or Police Station													
Airport/Heliport													
Gas Station with Convenience Store						C		C	C				
Correctional Facility													
Solid Waste Facility													
City Administrative Office													
Hospital (Not animal)			C										
Stands for sale of Produce	C												
Public/Private Utility & Trans. Systems													
Distribution Elements for Utility/Trans. System	C	C		C									
Support Facilities for Utility/Trans. System	C	C		C									
Business Offices for Utility/Trans. System	C	C		C									
Sports and Recreation Facilities													
Public Recreation Facility													
Country Club or Clubhouse	C			C	C								
Golf Course	C			C	C								
Marina													

Land Use Description Zone	**RE/AG**	**R-1**	**RM**	**RR**	**HE**	**C1**	**C2**	**C3**	**C4**	**HC**	**H/M**	**BD**	**M**
Sports and Recreation Facilities Cont.													
Rec. Vehicle (Travel Trailer) Overnight Park													
Stable, Riding Stable, Equestrian Park	C			C									
Dude Ranch	C												
Theater or Arcades						P		P					
Park or Playground	C	C	C	C	C								
Go-Kart Track													
Glamping											C		
Manufacturing & Construction													
Small scale manufacturing, processing, assembling, research, wholesale or storage use.							P						
Manufacture of any of the following products from raw materials: acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics, Portland cement, potash, synthetic resins and fibers.													C
Any of the following processes: distillation of wood or bones; nitrating of cotton or other materials; reduction, refining, smelting and alloying of metals or metal ores; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry or rabbits; tanning of raw, green or salted hides or skins.													C
Storage of fireworks or explosives except where incidental to a permitted use; manufacture of fireworks or explosives not permitted.													C

Automobile salvage and wrecking operations, and industrial metal, rag, glass or paper salvage operations provided that all operations are conducted within a solid view obscuring wall or fence not less than 8 feet in height.													C
Mines, Quarries, and Gravel Pits													
Construction Trade Shops, Carpenter, Electrical, Plumbing, Heating & A/C							P						
Accessory Building													
Commercial Landscaping Buildings							P						
Lumber Yard							P						

Land Use Description Zone	RE/AG	R-1	RM	RR	HE	C1	C2	C3	C4	HC	H/M	BD	M
Wholesale and Storage Business													
Small, Multi-unit Storage													
Large, Warehouse-type Storage													
Wholesale Sale													
RV Storage Structure				C									
Commercial Services, Retail & Related Uses													
Automobile Service, Repair							C			C			
Automobile Dealers						P		P		C			
Retail Stores						P		P	P		P		
Retail Service Stores						P		P	P				
Department Stores						P		P	P				
Professional Office/Service						P		P	P				
Printing & Publishing							P						
Mobile Home Sales										C			
Mortuary or Crematorium													
Hair Salons & Barbers						P		P	P		P		
Wedding Chapels, Reception Centers			C										
Fast Food or Drive-in						P		P	P	C	P		
Restaurant or Cafe				C		P		P		C	P		C
Bowling Alley, Roller Skating Rink,						P		P	P	C	P		
Dance Hall						P		P	P		P		
Beer Tavern, Pool Hall & Lounge						P		P					
Adult Oriented Businesses or Adult Businesses									C				
Commercial Accessory Building & Uses						P		P	P	C	P		
Public & Quasi-Public Uses						P		P					
Public Buildings		C	C										
Commercial Parking Facility		C	C	C			P						
Drive-In Theater										C			

Land Use Description **Zone**	**RE /A G**	**R-1**	**R M**	**R R**	**H E**	**C 1**	**C 2**	**C 3**	**C 4**	**H C**	**H / M**	**BD**	**M**
Agricultural, Animal/Related Uses													
Household Pets	P	P	P	P									
Kennel	C								C				
Breeding or raising of fowl or other animals including domestic animals	P												
Veterinarian/Animal Clinic/Pet Hospital													
Farm Machinery & Equipment Sales										C			
Agricultural Production & Sales													
Family Food Production, lots over 15,000		C											
Nurseries & Greenhouses										C			
Landscaping & Gardening	P	P	P	P						P		P	
Agriculture, as defined	P												
Accessory Buildings for Agriculture	P												
Rodeo	C												
Stands for sale of produce grown on premises	C												
Miscellaneous													
Any permitted use on one acre or more	P												
All uses subject to CUP (except landscaping and gardening).										C			
Exceptions													
Processing of animal or plant products													
Milk & Feed lots													
Livestock Auctions													

Uses Not Listed

Should the applicable town official determine that a type or form of land use which an applicant is seeking to locate in the town does not appear as a listed permitted or conditional use in the above table, he/she shall refer the matter to the Town Council. Any non-listed use determined by the Town Council to be of the same general character as any other listed use may be allowed as if it were that other similar use. Any non-listed use which is determined to be not of the same general character as any other listed use may only be allowed following a public hearing and a change adding that land use to the appropriate category by ordinance.

HEIGHT REGULATIONS BY ZONE:

Zone	**RE/ AG**	**R-1**	**RM**	**RR**	**H E**	**C1**	**C2**	**C3**	**C4**	**H C**	**H/ M**	**BD**	**M**
Height Allowed, Main Building	35	35	35	35	35	35	35	35	35	35	See #11C-1650	25	35
Height Allowed, Accessory Building		15											

AREA, WIDTH, AND YARD REGULATIONS B Y ZONE:

			Setbacks (in Feet)		
		Lot Area in Square Feet	Front	Side	Rear
Residential Estates/Agric.	**RE/AG**	5 Acres 1 Acre Minimum	30 30	100 & 12 100 & 12	30 30
Single Family Residential	**R-1-6**	6,000	25	8 & 10	25
	R-1-8	8,000	30	8 & 10	30
	R-1-9	9,000	30	8 & 10	30
	R-1-10	10,000	30	10 & 14	30
	R-1-12	12,000	30	10 & 15	30
Multiple Family Residence	**RM-5**	15,000	30	8 & 10	30
Recreational Residential	**RR**	12,000	30	8 & 10	30
Hillside Estates	**HE**	32,670 (3/4 Acre)	30	15 x 15	30
Commercial - 1, 2 and 3	**C1, C2, C3**	6,000 ft.	20	None, look at ordinance	None, look at ord.
Highway Commercial	**CH**			**	***
Hotel/Motel	**H/M**	1 Acre	50	25	50
		5 Acres	100	50	100
Beach Development	**BD**	7,500	30	8 & 10	30
Manufacturing	**M**	No Minimum	****	****	****

Notes:

** None, except 10 feet where side yard abuts an agricultural zone; 10 feet when abutting a street.

*** None, except 10 feet where rear yard abuts an agricultural or residential zone.

**** None, except that for any parcel in the M-1 zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear yards as prescribed for the most restrictive adjoining zone shall be maintained in the M-1 zone.

***** None, except that for any parcel in the Agricultural zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear setbacks as prescribed for the most restrictive adjoining zone shall be maintained in the Agricultural zone.

Modifying Regulations: See specific zones for Modifying Regulations.

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TITLE 1 – GENERAL PROVISIONS

CHAPTER 1-100 General

1-101 Name of Code. The ordinances contained in this code and all ordinances or general nature hereafter adopted and inserted herein and all amendments, additions and changes thereto shall be part of this code and shall be known and cited as the "Revised Ordinances of the Town of Garden City". All revisions of the ordinances should have a revision date included.

1-102 Repeal of Existing Ordinances.

A. So far as the provisions of these Revised Ordinances are the same as those of previously existing ordinances, they shall be construed as continuations thereof. All ordinances and resolutions of this municipality hereto in force of a private, local or temporary nature including franchises, grants, dedications, bond issues, elections, and special levies for local assessments are hereby repealed, except for:

1. Special Election, Ordinance #5 of July 19, 1961.
2. Special Bond Election, Ordinance #6 of July 19, 1961.
3. Resolution of Elections adopted August 28, 1961.
4. Water Revenue Bond Issuance, Ordinance #8, February 2, 1962.

B. So far as the provisions of these Revised Ordinances are the same as those of previously existing ordinances, they shall be construed as continuations thereof. All ordinances and resolutions of this municipality heretofore in force are hereby repealed except for the following:

1. Annexation, Ordinance 8-74, July 11, 1974.
2. Compensation of Building Inspector Ordinance 1-74, February 8, 1975.
3. Salary of Treasurer/Clerk, Ordinance 76-October.
4. Sales and Use Tax, Ordinance 2-75, April 18, 1975.
5. Business Licenses, Ordinance 9-74, 1974 as amended.
6. Contractors License, Ordinance 78, 1978.
7. Beer Regulation, Ordinance #11, April 26, 1962.
8. Snowmobile Operation, 1-74, January 29, 1974.
9. Motorbike Regulation, 1978.
10. Overnight Camping, 7-74, July 11, 1974.
11. Subdivision Ordinance.
12. Zoning Ordinance, 2-74, May 1974, as amended.
13. Gun Ordinance, #12, April 26, 1962.
14. Water Regulation, June 5, 1961.
15. Water Regulation, #10, April 26, 1962.
16. Waste Disposal, 6-74, June 7, 1974.

1-103 Effect of Repealing Ordinances. The repeal of the ordinances as provided in Section 1-102, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

1-104 Effected Date. These Revised Ordinances shall become effective May 8, 1980.

A. Title. This ordinance shall be known as the Revision, Codification and Compilation of the Ordinances of the Town of Garden City.

B. Purpose. In order to make appropriate changes, alterations, modifications, additions, and substitutions in the general ordinances for the Town of Garden City as the Town Council deem best, and to the end that a complete simplified code of the ordinances to be enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated, the completed ordinances are hereby proposed and adopted.

C. It is the intention of the Town Council that each and every ordinance compiled and presented this day shall be adopted and enforced as the existing ordinances

for the Town of Garden City and that all appropriate sections of the Utah Code Annotated be generally incorporated herein.

D. It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein adopted by the Town Council of the Town of Garden City this 8th day of May 1980.

1-105 Number of Ordinances.

A. The recorder/clerk shall insofar as possible, assign all ordinances of a general nature adopted after these revised ordinances a number which shall conform to the numbering system used in this code and shall indicate upon the face of the ordinance the data adopted.

B. The recorder/clerk shall keep all ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies, in a separate book of "SPECIAL ORDINANCES" properly indexed and organized according to date adopted. The first number of such an ordinance shall be the last two digits of the year the ordinance was adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such special ordinances was adopted during the year.

C. Failure to comply with this section shall not affect or render invalid any ordinance of this municipality.

1-106 Statutes or Codes Included and Excluded. Any reference or citation to any statute shall not be interpreted or construed to include, incorporate or make the citation or statue part of this code unless the provisions of this code specifically include, incorporate, or make the citation or statute part of this code by reference or incorporation, and any such reference or citation not specifically included or incorporated may be changed, amended or deleted without publication on an order of the governing body.

(Replaced and approved March 11, 2004)

1-107 Administrative Code Infraction Fine Schedule. Any person causing or being engaged in any activity resulting in a violation or infraction of the Garden City Municipal Code shall be subject to an Administrative Code Infraction Fine. An Administrative Citation may be issued by the Code Enforcement Officer of the town of Garden City. The Administrative Code Infraction Fine Schedule will be established and maintained by Resolution, as adopted by the Garden City Town Council.

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TITLE 2 - MUNICIPALITY

CHAPTER 2-100 Incorporation. See U.C.A. 10-2-125 et seq.

CHAPTER 2-200 Classification. See U.C.A. 10-2-301 et seq.

CHAPTER 2-300 Town of Garden City Limits.

CHAPTER 2-301 An Ordinance extending the Town of Garden City Limits as recorded on Plat.

CHAPTER 2-400 Consolidation of Municipalities. See U.C.A. 10-2-601 et seq.
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(Replaced and Approved March 11, 2004)

TITLE 3 - MUNICIPAL GOVERNMENT

CHAPTER 3-100 Governing Body

Chapters:
3-101 Forms of Government
3-102 Governing Body
3-103 Powers and Duties
3-104 Powers, Duties & Privileges of Town Officers
3-105 Eligibility for Elective Office
3-106 Terms of Office
3-107 Vacancies in Town Council
3-108 Official Misconduct or Neglect

3-101 Form of Government. The Town of Garden City was organized under the traditional form of government pursuant to the provisions of Section 10-3-106, Utah Code Annotated.

3-102 Governing Body. The governing body of the Town of Garden City shall be a council composed of five (5) members, one of whom is the Mayor and four (4) of whom shall be Council Members, which council is hereinafter referred to as the Town Council.

3-103 Powers and Duties. The Town Council shall exercise the legislative and executive powers of the Town of Garden City and may perform such other functions as may be specifically provided for or necessarily implied by law.

3-104 Powers, Duties & Privileges of Town Officers. The Town Council shall define the duties, powers and privileges of town officers connected to the government of the Town. The definition of duties, powers and privileges shall be general in nature and shall not preclude the Mayor's day-to-day work assignments of town officers.

3-105 Eligibility for Office. Eligibility for office is governed by sections 20A-9-203 and Section 10-3-301, Utah Code Annotated.

3-106 Term of Office. The term of office for a Town Council member shall be for the term for which he/she is elected or appointed and until his/her successor is chosen and qualified.

3-107 Vacancies. If an elected municipal officer is absent from the municipality any time during the officer's term of office for a continuous period of more than 90 days without the consent of the municipal legislative body, the municipal office is automatically vacant. Council vacancies shall be filled as provided for in Section 20A-1-510, Utah Code Annotated. Citizens who meet the qualifications of Section 10-3-301 who desire to be considered for vacancy on the Council shall file an application to be considered for the appointment following notice of the vacancy by the Town Recorder.

3-108 Official Misconduct or Neglect. An official municipal officer who willfully omits to perform any duty, or willfully and corruptly be guilty of oppression, misconduct, misfeasance, or malfeasance in office is guilty of a Class A misdemeanor, shall be removed from office, and shall not be eligible for any municipal office thereafter.

(Replaced January 11, 2007)

CHAPTER 3-200 Meetings

Sections:

3-201 Open Meetings Law
3-202 Closed Meetings Law
3-203 Agenda
3-204 Minutes of the Council Meetings
3-205 Public Notice of Meetings
3-206 Mayor Presides
3-207 Attendance
3-208 Rules of Procedure
3-209 Rules of Conduct
3-210 Quorum
3-211 Voting
3-212 Attendance of Witnesses and Production of Evidence
3-213 Reconsideration
3-214 Final Action of Committees Report

3-201 Open Meetings Law. All meetings of the Town Council shall be open to the public according to section 52-4-201, Utah Code Annotated.

3-202 Closed Meetings Law. An affirmative vote of at least two-thirds of the Town Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under Section 52-4-205, Utah Code Annotated. No ordinance, resolution, rule regulation, contract or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold the meeting, either for or against, cast by each member present shall be entered on the minutes of the meeting. A closed meeting will be held only for discussion of the purposes set forth in Section 52-4-205, Utah Code Annotated, as amended. A record of closed meetings shall be made in accordance with 52-4-206, Utah Code Annotated.

3-203 Agenda. A written Agenda for each regular meeting shall be prepared under the direction of the Mayor or the Mayor pro tem. Every effort shall be made by the Town Recorder to have the Agenda prepared and distributed in paper form and by e-mail by 11:00 a.m. the Friday preceding the date of the meeting, but no later than 12:00 p.m. on the Friday preceding the meeting date of the council. In the event that any member of the governing body or citizen desires to add or delete an item or items to any prepared agenda, then the consent must be obtained from the Mayor and one Council Member or by two Town Council Members. Upon receiving a request to add or delete an item as stated above, the Town Recorder shall add or delete items of the prepared agenda as requested. In order to be timely with a request to add or delete an item, or items, from a prepared agenda, the above-requests must be made before 2:00 p.m. on the Friday immediately preceding the date of the council meeting.

3-204 Minutes of the Council Meetings. Written minutes shall be kept of all meetings of the Town Council as required by Section 52-4-206, Utah Code Annotated, as amended and shall be presented to the Council for review, correction, and approval. Written minutes shall be the official record of Town Council Meetings. In addition, to the written minutes, the Town Recorder shall keep an electronic recording of the Town Council Meetings as required by law. Both records of the meeting are public records and are subject to the provisions of the Government Records Access Management Act.
3-205 Public Notice of Meetings. The Town Council shall provide public notice at least once each year of its annual meeting schedule as provided by law. In addition, the Town Council shall give not less than 24 hours public notice of agenda, date, time and place of each of its meetings, except for emergency meetings as required.

3-206 Mayor Presides. The Mayor shall be the chairman and preside at the meetings of the Town Council. In the absence of the Mayor or because of his refusal, the Town Council may elect a member of the Town Council to preside over the meeting as mayor pro tempore. Each appointment of mayor pro tempore shall be in effect until the Mayor returns or until another is appointed by the Town Council.

3-207 Attendance. The Town Council shall have the power to compel attendance of its own members and to provide such penalties, as it deems necessary for the failure to comply therewith.

Chapter 3-208 Rules of Procedure. Except as otherwise provided by law, the Town Council will conduct its meetings under the Roberts Rules of Order as provided for in Title 3-200 hereof. The Town Council may, at its discretion and with a two-thirds vote of the members present, may waive the formality of Roberts Rules of Order if it deems appropriate.

3-209 Rules of Conduct. The Mayor and one other Council Member may vote to expel any member who is disorderly and or disruptive during the meeting of the Town Council. The Town Council may also, on a majority vote of its members present, expel or fine any Council Member for disorderly and/or disruptive conduct. This section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law.

3-210 Quorum. No action of the Town Council shall be official or of any effect unless a quorum of the council Members is present, except as otherwise provided by law. Three (3) Council Members, or more, present or be present through electronic means, constitutes a quorum. Electronic means is defined as the use of a telephone conference call.

3-211 Voting.

A. How Taken. A roll-call vote shall be taken and recorded for all ordinances, resolutions, and any action, which would create a liability against the Town. A roll call vote shall be taken and so recorded at the request of any member of the Town Council on other Agenda items. Every ordinance and resolution shall be in writing before the vote is taken.

B. Number Required. The minimum number of "yes" votes required to pass any ordinance, resolution, or to take any action by the Town Council, unless otherwise provided by law, shall be a majority of the members of the council, but shall never be less than three. Any ordinance, resolution or motion of the Town Council having fewer favorable votes than required herein shall be deemed defeated and invalid. However, fewer votes than three may compel attendance of absentees, may adjourn a meeting from time to time, or may fill a vacancy, or vacancies on the Town Council.

C. Mayor Voting. The Mayor shall vote as a member of the Council.

D. Silence or abstaining constitutes a no vote and shall be recorded as a no vote.

3-212 Attendance of Witnesses and Production of Evidence. The Town Council may require the attendance of any person or persons to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful in appeal hearings or for the governance of the Town of Garden City. The Town Council shall issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this section in any action, formal or informal, brought on behalf of or against the Town.

3-213 Reconsideration. Any action taken by the Town Council may be reconsidered or rescinded at a special meeting, but shall not be reconsidered or rescinded at any regular or special meeting unless the number of members of the town Council present at the regular or special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

3-214 Final Action on Committee Reports. Final action of any committee appointed by the Town Council may be deferred to the next regular meeting of the Town Council on the request of any two (2) members.

(Replaced January 11, 2007)

CHAPTER 3-300 Legislation

Chapters:
3-301 Ordinances
3-302 Resolutions
3-303 Regulations
3-304 Public Records
3-305 Rules of Construction
3-306 Constitutional Taking Issues

3-301 Ordinances

A. Legislative Power. Except as otherwise specifically provided, the Town Council shall exercise its legislative powers through ordinances.

B. Extent of Power. The Town Council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by law.

C. Form. Every ordinance shall be in writing before the vote to pass is taken and shall contain and be in substantially the following order and form:

1. A number;
2. A title which indicates the nature of the subject matter of the ordinance;
3. A preamble which states the need or reason for the ordinance;
4. An ordaining clause which states: "Be it ordained by the Town Council of Garden City;
5. The body or subject of the ordinance;
6. When applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance that prescribes the fines and terms of imprisonment for the violation of a municipal ordinance;

7. A statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this Chapter;
8. A line for the Mayor or acting mayor to sign the ordinance;
9. A place for the Town Recorder to attest the ordinance and affix the seal of the Town of Garden City; and
10. When applicable, a citation to provisions of the Utah Code or provisions of the Town of Garden City Code which are amended by the ordinance.

D. Improper Form. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of this Chapter.

E. Effective Date. Unless otherwise provided in the ordinance, ordinances shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the Town Council, whichever is sooner.

F. Signed. Ordinances passed or enacted by the Town Council shall be signed by the Mayor, or if he or she is absent, the Mayor pro tempore or by a quorum of the Council Members, before taking effect.

G. Recording. Ordinances passed or enacted by the Town Council shall be recorded by the Town Recorder in a book used exclusively for that purpose, before taking effect. The Town Recorder shall give each ordinance a number, if the Town Council has not already done so, and shall make or cause to be made a certificate stating the date of passage and the date of publication or posting of the ordinance, as required.

H. Publication. All ordinances, except those enacted pursuant to Utah Code Annotated 10-3-706 through 10-3-710, as amended, shall be deposited in the office of the Town Recorder and a short summary of the ordinance shall be published at least once in a newspaper published within Garden City, or if there is no newspaper published in Garden City, then a complete copy of the ordinance shall be posted in three (3) public places within Garden City and being posted on the Town of Garden City official Web Site, before taking effect.

Any ordinance, code, or book, other than the state code, relating to building or safety standards, municipal functions, administration control, or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least three (3) copies have been filed for use and examination by the public in the office of the Town Recorder prior to the adoption of the ordinance by the Town Council.

Any state law relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and take effect without further publication or posting if reference is made to the State Code. The ordinance adopting the code or book shall be published in the manner provided in this Section.

I. Prima facie evidence. The record and certificate prepared by the City Recorder or a certified copy thereof, shall be prima facia evidence of the contents, passage, and publication or posting of the ordinance or codification. In addition, the ordinances printed and published by the authority of the Town Council, shall be prima facie evidence of the contents passage, and legal publication of such ordinances, as of the dates mentioned in the publication, in all courts and administrative proceedings.

J. Proved under seal. The contents of all Garden City ordinances, the dates of passage, and the date of publication or posting, may be proved by the certification of the Town Recorder under the seal of Garden City.

K. Penalty. The Town Council may provide a penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated 76-3-301, as amended, and/or by a term of imprisonment not to exceed the maximum class B misdemeanor term of imprisonment under Utah Code Annotated 76-30204, as amended. 'The Town Council may also impose a civil penalty for the unauthorized use of municipal property, including, but not limited to, the use of parks, streets, and other public grounds or equipment. Rules of civil procedure shall be substantially followed.

L. Liability. An officer of the town of Garden City shall not be convicted of a criminal offense where he or she relied on or enforced an ordinance he or she reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he or she enforced an ordinance on advice of legal counsel.

<u>3-302 Resolutions</u>

A. Administrative Powers. Unless otherwise required by law, the Town of Garden City may exercise all administrative powers by resolution.

B. Form. Any resolution passed by the City Council shall be in a form and contain sections substantially similar to that prescribed by ordinances.

C. Effective date. Resolutions may take effect on passage or at a later date as the City Council may determined, but resolutions may not become effective more than three months from the date of passage.

D. Publication. Resolutions need not be published or posted.

E. Filing. Resolutions shall be retained on file in the records of the Town Recorder, but need not be codified.

F. Limitation. No punishment, fine, or forfeiture may be imposed by resolution.

G. Proved under seal. The contents and dates of passage of all Garden City Resolutions may be proved by the certification of the Town Recorder under the seal of Garden City.

3-303 Regulations

A. Authorization. When and to the extent authorized by ordinance, an administrative officer of the Town may promulgate regulations governing the administration of the Town.

B. Defined. A regulation is any administrative rule, policy, procedure, or decision of the City which is or can be applied to recurrent situations or problems, or which is intended to govern one or more activities or services of the Town for an extensive period of time.

C. Requirements. In promulgating a regulation, the administrative officer shall substantially comply with the following:

1. Written. The regulation shall be in writing.

2. Consistency. The regulation shall be consistent with the Garden City Code and other provisions of law.

3. Not Arbitrary or Capricious. The regulation, in whole or in part, shall not be arbitrary or capricious.

4. Mayor. The regulation shall be submitted to the Mayor and must be approved by him or her.

5. City Attorney. After approval by the Mayor, the regulation shall be submitted to the City Attorney for review and comment.

6. City Council. After approval by the Mayor and review by the City Attorney, the regulation must be incorporated by reference into a resolution of the Council. Such resolution must be duly passed and adopted by the Town Council.

D. Ratification. In the event any act performed or position taken by a Town Official on behalf of the Town is called into question for failure to comply with the requirements of subsection (c) of this Section, the Town Council may ratify such act or position by resolution, in which event such act shall be deemed to have been performed and such position shall be deemed to have been taken pursuant to a valid regulation.

E. Effect. Regulations adopted shall have the force and effect of resolutions adopted by the Town Council.

F. Proved under seal. The contents and dates of passage of all Garden City Regulations may be proved by the certification of the Town Recorder under the seal of the Town of Garden City.

3-304 Public Records. The ordinances, resolutions, regulations, and any other books, records, accounts, or documents of the Town of Garden City shall be kept at the office of the Town Recorder. Approved copies shall be open and available during the regular business hours for examination and copying pursuant to the Garden City and Utah State Government Records Access Management Act.

3-305 Rules of Construction. Unless expressly provided to the contrary, the following rules shall govern construction and interpretation of the ordinances, resolutions, and regulations of Garden City:

A. Amendment or Repeal. Unless otherwise specifically provided, any amendment or repeal shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the provision amended or repealed, nor shall any repeal have the effect of reviving any provision previously repealed or superseded.

B. Severability. If any part or provision of an ordinance, resolution, or regulation is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provisions and all provisions, clauses, and words of the ordinance, resolution, or regulation shall be severable.

C. Titles and Headings. Titles and headings form no part of the ordinances, resolutions, or regulations, have no binding or interpretive effect, and shall not alter the legal effect of any part of the provisions for any reason, unless otherwise provided by law.

D. Common and Specific Usage. All words and phrases shall be construed and understood according to the common use and understanding of the language; however, the technical words and phrases and such other words and phrases that have acquired a particular meaning or which are specified

as having a particular meaning shall be construed and understood according to such particular meaning.

E. Liberal Construction. All provisions of the ordinances, resolutions, and regulations of the Town of Garden City shall be liberally construed according to the import of their terms to promote justice and to effect the objects of the law.

F. Gender and Number. Unless otherwise indicated from the context of the ordinance, resolution, or regulation, all words in the singular shall include the plural and all words used in the masculine gender shall extend and apply to the feminine gender and vice-versa.

G. Tenses. The use of any verb in the present tense shall include the future and past tense when such would be a reasonable interpretation of the provision.

H. Town. The word Town, when capitalized, shall be understood to refer to the Town of Garden City, unless the context clearly indicates otherwise.

3-306 Constitutional Taking Issues

A. Purpose. The purpose of this Section is to provide advisory guidelines to assist the Town in identifying actions that involve physical taking or exaction of private real property that may have constitutional taking issues.

B. Definitions. As used herein:

1. Constitutional "taking issues" means actions involving the physical or regulatory taking of private real property by the Town that might require compensation to a private real property owner under the Fifth or Fourteenth Amendment of the Constitution of the United States;

2. Article i. Section 22 of the Utah Constitution; or

3. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity.

C. Guidelines. The following guidelines shall be considered by the Town when taking any action that might result in the physical or regulatory taking of private real property.

1. Identification. The Town should review the following to determine and identify whether a proposed governmental action raises constitution-taking issues.

2. Does the action result in a permanent physical occupation of private property?

3. Does the action require a property owner to dedicate property or grant an easement to the City?

4. Does the action deprive the property owner of all economically viable uses of the property?

5. Does the action have a severe impact on the property owner's economic interest?

6. Does the action deny a fundamental attribute of ownership?

D. Analysis. If the Town determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the Town Attorney to analyze the possible taking and to determine the action to be taken. In reviewing the proposed action, the following factors may be analyzed:

1. The effect the potential taking would have on the use or value of the private property.

2. The likelihood that the action may result in a constitutional taking;

3. Any alternatives to the proposed action that would fulfill the Town's lawful objectives and reduce the risk of constitutional taking;

4. The cost to the Town for payment of compensation if a taking is determined;

5. The governmental interest involved and its nexus to the potential taking; and

6. If the action is roughly proportionate or reasonably related to the impact of any proposed development.

E. Appeals. Any owner of private property whose interest in the property is subject to a physical or regulatory taking by the Town, pursuant to a final and authoritative decision or action of the Town, may appeal the Town's decision or action by filing a written notice of appeal and statement of the

grounds for the appeal in the Town Recorder's Office within thirty (30) days from the date of the Town's decision or action. The Town's Appeal Authority shall hear all evidence regarding the appeal and render its decision and findings in writing with fourteen (14) days from the date the appeal was filed. If the Town fails to hear and decide the appeal within fourteen (14) days, the Town's decision or action is presumed to be approved.

F. Limitations. The guidelines set forth herein are advisory only and shall not be construed to expand or limit the scope of the Town's liability for a constitutional taking. The Town shall have no legal liability to a person, firm or entity of any nature whatsoever and a court may not impose liability upon the Town for failure to comply with the provisions of this Chapter.

CHAPTER 3-400 Personnel

Chapters:

3-401 Personnel Policies and Procedures
3-402 Personnel Director
3-403 Equal Opportunity Employer
3-404 Rules of Conduct
3-405 Personnel File
3-406 Compensation
3-407 Benefits
3-408 Unlawful Discrimination
3-409 Grievances
3-410 Discipline
3-411 Separation from Service
3-412 Appeals from Discharge or Transfer
3-413 Appeals Board
3-414 Litigation Costs
3-415 Volunteers

3-401 Personnel Policies and Procedures. The Town may establish and adopt personnel policies and procedures consistent with the ordinances, laws and regulations of the Town, state and federal Government for the administration, organization, operation, and conduct of its personnel.

3-402 Personnel Director. The Mayor is hereby designated as the Personnel Director to insure just and equitable employment conditions and to promote positive and efficient working morale for all town personnel. As Personnel Director, the Mayor shall implement and maintain the provisions of this Chapter and perform other duties as required by ordinance, resolution or policy of the Town Council.

3-403 Equal Opportunity Employer. The Town of Garden City is an "Equal Opportunity Employer" and as such does not discriminate in the hiring, employment or promotion of its employees on the basis of race, sex, color, national origin, age, religion, disability or status as a veteran in accordance with applicable state and federal laws.

3-404 Rules of Conduct. All employees of the Town shall conduct themselves in an appropriate manner in accordance with the personnel policies and procedures adopted by the Town. Employees shall be subject to and shall comply with provisions of the Utah Officers' and Employees' Ethics Act set forth in Utah Code Annotated 10-3-130l, et seq., as amended, hereby adopted by reference as if fully set forth herein.

3-405 Personnel File

A. A personnel file shall be kept for each employee of the Town, excluding elected officials, volunteers and contractors. The file shall contain a copy of all records relating to the employment of the employee including, but not limited to records regarding hiring compensation, holidays, vacation or sick leave, awards grievances, disciplinary action, education, training programs and any other relevant records,

B. All personnel records shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act as adopted by the Town. (UCA 67-18-l, et seq., 63-2-101, et seq.)

3-406 Compensation. The Town of Garden City employees shall be compensated in accordance with a Classification and Compensation Plan which shall be implemented by Resolution and in accordance with the adopted Town of Garden City Employee Handbook.

3-407 Benefits. The Town of Garden City Employees shall receive such benefits as provided for in the Town of Garden City Employee Handbook or by Resolution and as required by law. (Utah Code 10-3-1103 (2))

3-408 Unlawful Discrimination. Unlawful Discrimination is prohibited as a form of discrimination and shall be addressed accordance with the Unlawful Discrimination policies and procedures adopted by the Town in the Town of Garden City Employee Handbook.

3-409 Grievances. Employees shall have the right to appeal decisions or disciplinary action by the Town, which affect their employment. An employee with a grievance may pursue the matter through informal or formal grievance procedures in accordance with the Town of Garden City's Employee Handbook.

3-410 Discipline. Employees may be disciplined for good cause through informal or formal disciplinary action in accordance with the Town of Garden City's Employee Handbook.

3-411 Separation from Service. Employees may be separated from service with the Town in the following manner:

A. Resignation. Employee desiring to discontinue his or her employment with the Town shall file a written letter of resignation with the Mayor, or immediate supervisor, stating the effective date of resignation and the reasons for resignation at least two (2) weeks prior to the effective date of resignation.

B. Reduction in Force. An employee may be laid off by the Town due to change in the organization of the Town personnel, material change in the duties of the employee's position, shortage in the work requirements of the Town, shortage of funding of the Town, or when otherwise necessary in the best interest of the Town.

C. Dismissal. An employee may be dismissed by the Town for any reason permitted by law, provided however, that any such dismissal shall be accomplished in accordance with the Town of Garden Employee Handbook.

3-412 Appeals from Discharge or Transfer. All appointed offices and employees of the Town shall hold their employment without limitation of time, being subject to discharge or dismissal only as provided in Utah Code Annotated 10-3-1106, as amended. Any appointed officer or employee covered herein who is discharged or transferred to a position with less remuneration for any reason, shall have the right to appeal the discharge or transfer to the Town Appeals Board in accordance with the provisions of Utah Code Ann. 10-3-1106, as amended.

3-413 Appeals Board.

A. Created. There is hereby created an Appeals board as required by Utah Code Annotated 10-3-1106, as amended, to hear appeals of non-exempt employees who have been terminated or transferred.

B. Members and Appointment. The Appeals Board shall consist of five (5) members, two (2) of whom shall be members of the town council, one (1) shall be appointed from the Planning and Zoning Commission, one (1) employee of the Town who is not in the supervisory chain of command and one (l) member from the Land Use Appeals Authority. The Town Council will make said appointments on an as-needed basis.

C. Record. The Appeals Board shall keep a written record of the proceedings of any matter appealed and heard by it. An appeal may be made of the recorded proceedings within 30 days from the date of the written decision, or order, of the Board to the Utah Court of Appeals.

3-414 Litigation Costs. The Town shall defend and pay any judgment entered against an elected official, volunteer, employee or contractor contracting for Town Engineering Services or for Legal Services as herein provided. The Town's liability hereunder extends only to acts or omissions occurring during performance of the official's, volunteer's, employee's or contractor's duties as prescribed by the position, occurring during the course and scope of his or her employment or under the color of authority.

3-415 Volunteers.

A. Defined. A "volunteer" means any person who donates approved services, without salary other than approved reimbursement for incidental expenses for services rendered.

B. Status. A volunteer must be authorized by the Town Council to perform services for the town and shall not be deemed an employee of the Town.

C. The Town Council shall approve expenses incurred by volunteers for transportation, travel expense, and supplies in the discretion of and when authorized and approved by the Mayor.

CHAPTER 3 - 500 Appointed Officers

Chapter:

3-501 Office Creation
_____Vacancies
3-502 Town Recorder
3-503 Town Treasurer
3-504 Town Engineer
3-505 Town Attorney

3-501 Office Creation. The City Council may create any office deemed necessary for the government of the Town of Garden City and shall, by resolution, or ordinance, prescribe the power and duties to be performed by appointed officials.

3-502 Town Clerk/Recorder.

A. Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the Town Council shall appoint a qualified person to the office of Garden City Town Clerk/Recorder. (10-3-916 Utah Code Annotated as amended)

B. Bond. Before commencing his or her duties, the Town Clerk/Recorder shall execute and file with the City Treasurer a bond as provided in the Utah Code.

C. Oath of Office. On or before the first Monday in February following a municipal election, the Appointed Town Clerk/Recorder shall be administered the oath of office by a Notary Public.

D. Office. The Town Clerk/Recorder shall occupy an office in the Town Hall or at some place convenient thereto as the Town Council may direct.

E. Auditor. The Town Council may appoint the Town Clerk/Recorder as the Town Auditor, who shall perform the duties of such office, including the preparation and presentation to the Town Council of monthly summary financial reports and quarterly detail financial reports prepared in the manner prescribed in the Uniform Accounting Manual for Utah Cities.

F. Corporate Seal. The Town Clerk/Recorder shall keep the corporate seal. When certified by the Town Recorder under the corporate seal, copies of all papers filed in the Town Clerk/Recorder's office and transcripts from all records of the Town Council shall be admissible in all courts as originals.

G. Meetings of the Town Council. The Town Clerk/Recorder shall attend the meetings as assigned and keep the record of the proceedings of the Town Council.

H. Actions of Town Council. The Town Recorder shall record all ordinances, resolutions and regulations passed by the Town Council in the manner proved in the Legislative section of these ordinances.

I. Contracts. The Town Clerk/Recorder shall countersign all contracts made on behalf of the Town or to which the Town is a party and shall maintain a properly indexed record of all such contracts.

J. Bonds. The Town Recorder shall maintain a list of all outstanding bonds of the Town, including their purpose, amount, terms, date and place payable.

K. Accounting. The Town Budget Officer, or his or her designee, shall maintain the general books for each fund of the Town and shall keep accounts with all receiving and disbursing officers of the Town including all subsidiary records relating thereto. This provision presumes the Town Clerk/Recorder to be designated this responsibility.

L. Claims. The Town Budget Officer, or his or her designee, shall pre-audit all claims and demands against the Town before they are allowed. This provision presumes the Town Clerk/Recorder to be designated this responsibility.

M. Payments. The Town Budget Officer, or his or her designee, shall prepare and certify the necessary checks in payment pursuant to Utah Code l0-6-139.

N. Warrants. In the event the Town is without funds on deposit in one of its appropriate bank accounts with which to pay any lawfully approved claim, the Town Budget Officer, or his or her designee, shall draw and sign a warrant upon the Town Treasurer for the payment of the claim and tender the warrant to the payee named thereon. This even shall be brought to the attention of the Town Council at its next regularly scheduled meeting.

O. Monies. The Town Recorder shall deposit all sums into the proper treasury accounts as soon as practicable.

P. Elections and Appointments. The Town Recorder shall manage all municipal election procedures and requirements as provided in the Utah Code Annotated, as amended, and shall keep a record of all persons elected or appointed to any office within the Town, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy.

Q. Limitations. The Town Recorder shall not serve as the Town Treasurer.

R. Records of the Town. The Town Recorder shall keep all the books, records, accounts and documents of the Town at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Town of Garden City Government Records Access Management and the provisions of 63-2-101 to 1001, Utah Code Annotated, as amended.

S. Additional Duties. The Town Clerk/Recorder shall perform such other and further duties as the Town Council may provide by ordinance, resolution, or regulation and shall perform such other and further duties as the Mayor, through his or her executive powers, may direct.

3-503 Town Treasurer.

A. Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the Town Council shall appoint a qualified person to the office of the Town Treasurer.

B. Bond Required. Before commencing his or her duties, the Town Treasurer shall execute and file with the Town Recorder an official bond as required by law.

C. Oath. The Town Treasurer, on or before the first Monday in February, shall be given the oath of office as required by law.

D. Custodian. The Town Treasurer shall direct the custody and control of all money, bonds, or other securities belonging to the Town.

E. Collections. The Town Treasurer shall direct the collection and receipt of all monies payable to the Town, including taxes, assessments, licenses, fines,

forfeitures, service charges, fees and other revenues of the Town. The Town Treasure shall direct that there will be no co-mingling of person monies with public monies.

F. Receipts. The Town Treasurer shall cause to be given to every person paying money to the Town Treasury, a receipt or other evidence of payment therefore, specifying the date, of payment and the account paid.

G. Checks. The Town Treasurer shall sign checks prepared by the Town Recorder and shall, prior to affixing said signature, determine or cause to be determined that sufficient funds are on deposit in the appropriate bank account of the Town to honor such checks.

H. Warrants. The Town Treasurer shall cause to be paid all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the Town. The Town Treasurer shall make provisions for the payment of all warrants issued prior to signing any subsequently issued checks.

I. Special Assessment. The Town Treasurer shall cause to be receipted by the town all monies received for any special assessment and shall cause to be applied the payments thereof to the cost of the improvement for which the assessment was made.

J. Additional duties. The treasurer shall perform such other and further duties as the Town Council may provide by ordinance, resolution, regulation or directive.

K. Limitations. The Town Treasurer shall not serve as City Recorder.

3-504 Town Attorney.

A. Appointment. The Town Attorney shall be appointed by a majority vote of the Town Council or the Town may contract with or retain an attorney duly licensed to practice law in the State of Utah on a case-by-case or as-needed basis.

B. Duties. In the event a Town Attorney is appointed, he/she shall act as legal advisor to the Town in all matters pertaining to contracts with or by the Town or questions of legality arising out of any law, ordinance or otherwise. The Town Attorney shall appear on behalf of the Town in all suits at law or in equity in which the Town is a party, and shall prosecute or defend them, as the case may be in all courts until finally disposed. He or she shall advise all Town officers in relation to their official duties, prepare an draft all such ordinances, resolutions and regulations as the Town Council or Mayor may from time to time request and perform such other duties as the ordinances of the Town and the general laws require or as the Town Council may direct. An appointed Town Attorney shall attend meetings of the Town Council and other meetings of the Town when requested to do so. The Town Attorney may, with the consent of the Town

Council, retain special counsel on matters pertaining to the legal affairs of the City if the same is deemed necessary and desirable. The Town Attorney shall, when requested to do so, furnish written opinions on subjects submitted by the Town Council or by the Mayor.

C. Additional Duties. The Town Attorney shall perform such other duties as the Town Council may provide by ordinance, resolution, regulation or directive.

3-505 Town Engineer.

A. Appointment. The Town Engineer shall be appointed by a majority vote of the Town Council or the Town may retain an Engineer on a case-by-case or as-needed basis. Said Engineer shall be licensed in the State of Utah.

B. Duties. The Town Engineer shall act as a consulting engineer on behalf of the Town in all matters or questions traditionally handled by engineers, including consulting, mathematical, physical, engineering sciences used in such services as evaluating, investigating, planning, design and engineering works and systems; planning the use of land and water, facility programming, surveys and studies as the town may require.

(Replaced January 11, 2007)

CHAPTER 3-600 Town of Garden City Government Records Access and Management

Chapters:

3-601 Short Title
3-602 Purpose
3-603 Compliance with State Law
3-604 Additional Definitions
3-605 Public Access to Records
3-606 Public, Private, Controlled, Protected Records
3-607 Privacy Rights
3-608 Designation, Classification and Retention
3-609 Procedures for Records Request
3-610 Fees
3-611 Appeals
3-612 Record Amendments
3-613 Penalties
3-614 Records Officer
3-615 Records Maintenance
3-616 Town Archives

Chapter 3-601 Short Title. This Chapter shall be known as the Town of Garden City

Government Records Access and Management Ordinance, and may be cited and pleaded.

Chapter 3-602 Purpose. In enacting this Chapter, it is the purpose and intent of the Town Council to adopt an Ordinance acknowledging and complying with the Government Records Access and Management Act as contained in Chapter 2 of Title 63 of the Utah Code Annotated 1953, as amended, (hereinafter referred to as the Act), and specifically to conform with Section 63-2-701 of the Act which provides that the Town may adopt an ordinance or a policy relating to information practices of the Town and its agencies including classification, designation, scheduling, access, denials, segregation appeals, management, retention and amendment of records.

Chapter 3-603 Compliance with State Law. In enacting this Chapter the Town Council hereby adopts and incorporates by reference the following provisions of the Act as part of this Ordinance as though fully set forth herein. Any inconsistency or conflict between this Ordinance and the following referenced statutes of the State of Utah shall be governed by the statute.

General Provisions:

63-2-102	Legislative Intent
63-2-103	Definitions
63-2-104	Administrative Procedures Act not applicable
63-2-105	Confidentiality agreements

Access to Records

63-2-201	Right to inspect records and receive copies of records
63-2-202	Access to private, controlled and protected documents
63-2-205	Denials
63-2-206	Sharing records

Classification

63-2-301	Records that must be disclosed
63-2-302	Private records
63-2-303	Controlled records
63-2-304	Protected records
63-2-305	Procedure to determine classification
63-2-306	Duty to evaluate records and make designations and classifications
63-2-307	Segregation of records
63-2-308	Business confidentiality claims

Confidential Treatment of Records

63-2-405	Confidential treatment of records for which no exemption applies

Accuracy of Records

63-2-60l	Rights of individuals on whom data is maintained
63-2-602	Disclosure to subject of records - Context of use

Applicability to Political Subdivisions

63-2-70l	Political subdivisions to enact ordinances in compliance with chapter Remedies
63-2-80l	Criminal penalties
63-2-802	Injunction - Attorneys' Fees
63-2-803	No liability for certain decisions of a governmental entity
63-2-804	Disciplinary action

Archives and Records Service

63-2-903	Duties of governmental entities
63-2-905	Records declared property of the State - Disposition
63-2-907	Right to reply in
63-2-040	Additional Definitions.

Chapter 3-604 Additional Definitions. As used in this Ordinance, certain words and terms are defined as follows:

A. "Act" shall refer to the Government Records Access and Management Act, Chapter 2 of Title 63 of the Utah Code Annotated 1953, as amended.

B. "Agency" shall refer to any office, department, division, section, staff office, board, commission, committee or other division of the Town Garden City or any public or private entity which pursuant to contract with the Town has agreed to produce and maintain public Town records.

C. "Town" shall mean the Town of Garden City

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

E. "Controlled records" shall be those defined as controlled under the provisions of this Ordinance and in accordance with the provisions of the Act.

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

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

H. "Non-public records" shall refer to those records defined as private, controlled, or protected under the provisions of this Ordinance and the Act.

I. "Private records" shall refer to those records classified as private under the provisions of this Ordinance and the Act.

J. "Protected records" shall refer to those records classified as protected under the provisions of this Ordinance and the Act.

K. "Public records" shall refer to those records which have not been classified as non-public in accordance with the provisions of this Ordinance and the Act.

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

1. "Record" does not mean:

a. Temporary drafts or similar materials prepared for the originator's

b. Materials that are legally owned by an individual in his or her private capacity;

c. Materials to which access is limited by the laws of copyright or patent;

d. Junk mail or commercial publications received by the Town or by an officer or employer of the Town;

e. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of County libraries open to the public, regardless of physical form or characteristics of the material;

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

g. Proprietary computer software programs as defined above that are developed or purchased by or for the Town for its own use.

Chapter 3-605 Public Access to Records.

A. Right to Access. Members of the public shall have the right to see, review,

examine and take copies, in any format maintained by the Town, of all Town governmental records defined as "public" under the provisions of this Ordinance, upon the payment of the lawful fee and pursuant to the provisions of this Chapter, the Act, and policies and procedures developed hereunder.

B. Obligation to Create. The Town has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

C. Duty of Custodial Agency. When a record is temporarily held by a custodial Town agency, pursuant to that custodial agency's statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this Chapter. The record shall be considered a record of the agency or agencies that usually keeps or maintains that record and any request for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the Town. Only when records have been formally filed for permanent archival retention shall Town Archives be responsible for responding to records requests.

Chapter 3-606 Public, Private, Controlled, Protected Records

A. Public records shall be those Town records as defined in Section 63- 2-201 of the Act and as classified and defined in procedures established pursuant to this Chapter. Public records shall be made available to any person. All Town records are considered public unless they are: (1) expressly classified otherwise in accordance with policies and procedures established by this Chapter; (2) are so classified by the Act; or (3) are made non-public by other applicable law.

B. Private records shall be those Town records classified as "private", as defined in Section 63-2-302 of the Act and as classified and defined in procedures established pursuant to this Chapter. Private records shall be made available to the following persons: The subject of the record, the parent or legal guardian of a minor who is the subject of the record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has power of attorney or a notarized release from the subject of the record or his or her legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

C. Controlled records shall be those Town records classified as "controlled", as defined in Section 63-2-303 of the Act and as classified and defined in procedures established in this Chapter. Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record or any person presenting a legislative subpoena or a court order issued by a court of competent jurisdiction.

D. Protected records shall be those Town records classified as "protected", as defined in Section 63-2-304 of the Act and as classified and defined in procedures

established in this Chapter. Protected records shall be made available to the person who submitted the information in the record, to a person who has power of attorney or notarized release from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order issued by a court of competent jurisdiction.

Chapter 3-607 Privacy Rights. The Town recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. When required by law, the Town shall notify the subject of a record that a request for access to the subject's record has been made and require the requester of records to provide a written and notarized release of the same before access to such records is provided.

Chapter 3-608 Designation, Classification and Retention. All Town records and records series, of any format, shall be classified and scheduled for retention according to the provisions of the Act and this Chapter. Any records generated in the future shall also be so classified and scheduled for retention. Records classification and scheduling for retention shall be conducted under the supervision of the Town Recorder who shall be assisted by a Classification Review Committee consisting of the Recorder, the Mayor, and one Council Member. Assistance may be requested from the Town Attorney as needed.

Classification and Retention scheduling forms and guidelines shall be prepared and promulgated by the Records Officer. The Town shall by resolution establish a retention schedule for all Town records and records series.

Chapter 3-609 Procedures for Records Request.

A. Under circumstances in which the Town is not able to immediately respond to a records request, the requester shall fill out and present to the Town or the agency a written request on forms provided by the Town. The date and time of the request shall be noted on the written request form and all time frames provided under this Chapter shall commence from that time and date. Requesters of non-public information shall adequately identify themselves and their status prior to receiving access to non-public records.

B. The Town or the agency may respond to a request for a record by approving the request and providing the records, denying the request, or such other appropriate response as may be established by policies and procedures.

C. In most circumstances and excepting those eventualities set out below, the Town shall respond to a written request for a public record within 10 business days after that request.

D. Extraordinary circumstances shall justify the Town's or the agency's failure to respond to a written request for a public record within ten (10) business days and shall extend the time for response thereto to that time reasonably necessary to respond to the

request, as determined by the Town or the agency director. Extraordinary circumstances shall include but not be limited to the following:

1. The agency, another agency, or some other governmental entity is currently and actively using the record requested;

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

3. The agency is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work;

4. The request involves an analysis of legal issues to determine the proper response to the request;

5. The request involves extensive editing to separate public data in a record from that which is not public; or

6. The request requires computer programming or other manipulation of data in order to provide the information.

E. When a record request cannot be responded to within ten (10) days, the Town Recorder shall give the requester an estimate of the time required to respond to the request.

F. The failure or inability of the Town or an agency to respond to a request for a record within the time frames set out herein, or the Town's s denial of such request, shall give the requester the right to appeal as provided herein in Chapter 3-610.

G. Any Town record which has been requested in accordance with this Ordinance and the Act that is disposable by approved retention schedule may not be disposed of until the request is granted and fulfilled, or sixty (60) days after all appeals are completed, pursuant to Chapter 3-610.

H. No Town record, disposable by approved retention schedule, which is subject to pending litigation or audit shall be disposed of until the litigation or audit has been completed or resolved.

Chapter 3-610 Fees. The Town may charge a reasonable fee to cover the Town's costs of duplicating and compiling records requested by any person. The fee for compiling a record in a form other than that normally maintained by the Town may include the cost of staff time for summarizing, compiling, or tailoring the record, the cost of staff time for search, retrieval and other direct administrative costs, and the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, in accordance with Section 63-2-203 of the Act. The fees may be set and amended by resolution of the Town Council and shall be approved

by the Town Council. The initial fee, until changed by resolution, is set forth in Appendix A attached hereto. The Town may fulfill a record request without charge when it determines that:

A. Releasing the record primarily benefits the public rather than a person;

B. The individual requesting the record is the subject of the record; or

C. Requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.

D. The Town may not charge a fee for reviewing a record to determine whether it is subject to disclosure or for inspecting a record.

Chapter 3-611 Appeals

A. Any person aggrieved by the Town's classification of a record or by the Town's response to a record request or fee waiver may appeal the determination within thirty (30) days after notice of the Town's action to the Mayor by filing a written notice of appeal. The notice of appeal shall contain the petitioner's name, address, phone number, relief sought and shall set forth in detail a statement of the facts, reasons and legal authority relied upon in making the appeal.

B. If the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the Mayor, or designee shall send a notice of the requester's appeal to the affected person.

C. The Mayor shall make a determination on the appeal within thirty (30) days after receipt of the appeal. During this thirty (30) day period, the Mayor may schedule an informal hearing or request any additional information deemed necessary to make a determination. The Mayor shall send written notice to all participants providing the Mayor’s determination on the appeal and the reasons therefore.

D. In addition, if the Mayor affirms the denial in whole or in part, the denial shall include a statement that the requester has a right to appeal the denial to the Town Council within thirty (30) days after date of the Mayor's decision.

E. Any person aggrieved by the Mayor's decision may file a written notice of appeal to the Town Council which appeal shall thereafter be scheduled by the Town for hearing at a regular or special meeting of the Council. The final decision of the Town Council shall be by majority vote of a quorum of the Council. The Town Council shall prepare a written decision indicating the Council's determination of the appeal and the reasons therefore. A copy of the written decision shall be sent to all parties to the appeal.

F. If the Town Council affirms the denial, in whole or in part, the person may petition for judicial review in District Court as provided in Section 63-2-404 of the Act.

Chapter 3-612 Record Amendments. Government records held by the Town may be amended or corrected as needed. An individual may contest the accuracy or completeness of any public, or private, or protected record concerning him or her by submitting a written request to the Town to amend the record. However, this Section does not affect the right of access to private or protected records. The request shall contain the requester's name, mailing address and daytime telephone number and a detailed statement explaining why the Town should amend the record. The Town shall issue a decision either approving or denying the request to amend no later than sixty (60) days after receipt of the request. The Town shall inform the requester in writing of its decision. The requester may appeal the denial of the request to amend a record pursuant to the provisions contained herein regarding appeals. This Section does not apply to records relating to title to real or personal property, medical records, judicial case files, or any other records that the Town determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

Chapter 3-613 Penalties.

A. Any Town employee who knowingly refuses to permit access to records in accordance with the Act and this Chapter, who knowingly permits access to non-public records, or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the Act, this Chapter, or other law or regulation, may be subject to criminal prosecution and disciplinary action, including termination.

B. In accordance with the Act, neither the Town nor any of its Departments or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

Chapter 3-614 Records Officer.

A. The Town Recorder is appointed as the Town Records Officer to oversee and coordinate the Town's records access, management and archives activities.

B. The Records Officer shall make annual reports of records services activities to the Mayor.

Chapter 3-615 Records Maintenance. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve appropriate Town records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of Town records. The Records Officer shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records.

Chapter 3-616 Town Archives. There is created the Town Archives to be managed by the

Records Officer. It is the responsibility of the Town Archives to receive, store, and preserve Town and department records and other materials and to provide reasonable access thereto as may be calculated to accurately and safely maintain Town records over a long term in compliance with this Chapter and the Act. Policies and guidelines regarding the nature of records and record series which are to be received and stored by Town Archives shall be developed and promulgated by the Town. Unless determined and designated otherwise by the Council, the Town Archives shall be considered the formal, official repository of Town records; the central depository for the reports, publications, productions in other media, rules, policies, and regulations of the Town, where not otherwise determined by law; and, where appropriate, historical artifacts. Each department shall be responsible for assisting the Town Archives in the collection of such records, depository materials, and artifacts through methods promulgated by the Records Officer.

(New ordinance, approved April 12, 2007)

CHAPTER 3-700 Procurement System

Chapters:

3-701 Procurement system
3-702 Compliance
3-703 Definitions
3-704 Procurement office
3-705 Budget limitation
3-706 Purchase orders
3-707 Classification of expenditures
3-708 Emergency procedures
3-709 Formal bidding procedure
3-710 Informal bidding procedure
3-711 Request for quotes procedures
3-712 Request for proposals (professional services)
3-713 Delivery
3-714 Petty Cash
3-715 Disposal of surplus
3-716 Ethics
3-717 Records
3-718 Appeals

3-701 - Procurement System. There is hereby established a procurement system to provide procedures and guidelines for the procurement of supplies, services, and construction for the Town of Garden, hereinafter referred to as Town, and to ensure that all such purchases or encumbrances are made equitably, efficiently and economically.

3-702 - Compliance. All expenditures of the Town shall conform to the provisions of this chapter and applicable provisions of state law including, but not limited to, the Uniform Fiscal Procedures Act set forth at Section 10-6-101, et seq., of the Utah Code Annotated, as amended.

Any expenditure of the Town involving federal assistance funds shall comply with applicable federal law and regulations.

Any expenditure of the Town involving building improvements or public works projects shall comply with applicable provisions set forth at Section 11-39-101, et seq. of the Utah Code Annotated, as amended. Any expenditure of the Town involving the construction, maintenance or improvement project of a class B or C road or work excluded under Section 11-39-104 of the Utah Code Annotated, as amended, shall comply with applicable provisions of the State Transportation Code and the Transportation Ordinance of Garden City including, but not limited to, Sections 72-6-108 and 72-6-109, of the Utah Code Annotated, as amended. No check or warrant to cover any claim against appropriations shall be drawn unless the claim has been processed according to the relevant provisions provided herein.

This chapter is written to conform as much as possible with federal, state and Town statutes and ordinance. The extent a provision of this chapter conflicts with federal, state or local statues or ordinances, the following rules shall apply:

A. Conflict with State or Federal Statues or Regulations. If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

B. Conflict with Town Regulations or Ordinances. If the provisions of this chapter are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the Town, the more restrictive provision shall control.

<u>3-703 - Definitions</u>. Used in this chapter, the following words shall mean:

A. Bidding. Responding to the Town's invitation to bid with an offer to furnish supplies, services or construction pursuant to and in accordance with the terms and conditions set forth in this chapter.

B. Building Improvement. The construction, modification, or repair of a public building or structure.

C. Business. Any corporation, partnership, limited liability company, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

D. Construction. The process of building, renovation, alteration, improvement, or repair of any public building, structure, or public work; but does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings or real property.

E. Contract. Any agreement for the procurement of supplies, services, or construction. The Mayor is the only Town Official with authority to bind the Town; contracts without his/her signature are void and do not obligate the Town.

F. Department Head. The individual who administers a department or his/her designee.

G. Emergency Purchases. Purchases of supplies, material, equipment or services to mitigate a threat to public health, welfare or safety.

H. Invitation for bids. All documents, whether attached or incorporated by reference, used for soliciting bids.

I. Local Bidder. A business that regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by or pays business taxes to the Town of Garden City.

J. Performance Bond. A contract of guaranty executed subsequent to award by a successful bidder to protect the Town from loss due to the inability of the bidder to complete the contract as agreed.

K. Person. Any business, individual, union, committee, club, other organization, or group of individuals.

L. Procurement. Buying, purchasing, renting, leasing, leasing with option to purchase, or otherwise acquiring any supplies, services or construction, and all functions that pertain to obtaining any supplies, services or construction, including the solicitation of sources, selection, award, and all phases of contract administration.

M. Procurement Officer. The Mayor or his/her designee authorized to perform the duties set forth in Section 3-704.

N. Professional services. The furnishing of services for auditing, banking, insurance, engineering, legal, architectural, and other forms of professional consulting.

O. Public Property. Any items of real or personal property owned, leased, or maintained by the Town.

P. Public works project. Includes but is not limited to the construction of a park or recreational facility; or a pipeline, culvert, dam, canal, or other system for water sewage, storm water, or flood control; but does not include the replacement or repair of existing infrastructure on private property.

Q. Purchase order. The official document used in committing Town funds toward the purchase of supplies, services, or construction.

R. Request for proposals. Forms used by departments providing detailed information as to description of services needed or desired.

S. Requisition. Request by any town employee to purchase supplies, services or construction.

T. Responsible bid. A bid to furnish supplies, services or construction for the Town pursuant to and in accordance with the terms and conditions set forth in this chapter, which conforms in all material respects to the invitation for bids.

U. Responsible bidder. A person who submits a responsible bid; who furnishes, when requested, sufficient information and data to prove his or her financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of the supplies, services or construction on which he/she has bid; and who has not violated or attempted to violate any provisions of this chapter.

V. Services. The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance; but does not include employment agreements or collective bargaining agreements.

W. Specification. Any description of the physical or functional characteristics, or of the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service, or construction item for delivery.

X. Supplies. All property, including but not limited to equipment, materials, and printing; but does not include real property or any interest therein.

Y. Written approval. By the Town Officials includes electronic approval of requisitions or purchase orders via the municipal software system or fax.

<u>3-704 - Procurement Officer.</u> The procurement officer shall be the Mayor, or his/her designee; and, when applicable, the Town Council and shall have the powers and duties as established in this chapter, including but not limited to:

A. Administer and maintain the procurement system provided herein, in accordance with any rules and regulations established by the Town/
B. Supervise the procurement of all supplies, services, and construction needed by the Town, including preparation of specifications and negotiation of contracts connected therewith;
C. Exercise general supervision and control over all inventories or supplies of the Town and the accounting for all such inventories or supplies;

D. Prepare and maintain forms and reports as are reasonably necessary to the operation of this chapter and other rules and regulations of the Town;

E. Keep informed of current developments in the field of procurement;

F. Recommend to the Town Council from time to time such new or revised procurement rules and regulations as are desirable and in conformance with other statutory requirements;

G. With respect to public improvements, work with the engineer, attorney and other professional persons retained by the Town to assist in the preparation of plans and specifications, and to discharge other related duties. The professional persons may direct bid openings, conduct investigations of lowest responsible bidders, supervise construction work and perform such other tasks as are provided for by their prospective contracts;

H. Seek to obtain as full and open competition on all purchases as possible;

I. Establish and maintain programs for the inspection, testing and acceptance of all supplies, services and construction to assure conformance with specifications;

J. Maintain a bidders list, vendors' catalog file and other records needed for the efficient operation of the procurement system.

3-705 - Budget Limitation. No expenditure or encumbrance shall be made for any supplies, services or construction for the Town in excess of total appropriations in the budget, as adopted or subsequently amended by the Town, without prior written approval from the Town administrator or the Town Council.

3-706 - Purchase Orders. Before any order shall be placed for the purchase of any supply, service or construction, a purchase order shall be executed if the purchase is for more than $750 (seven hundred and fifty dollars). The department head must review all purchase orders and determine whether the expenditure requested is for a town purpose, properly budgeted, and in compliance with town ordinances and state law. If the department head determines the expenditures requested complies with these requirements, he or she shall approve the purchase order and initiate the appropriate procedures set forth herein for procurement of the supply, service or construction.

3-707 - Classification of Expenditures.

A. Large Expenditures - Except as otherwise provided herein, any expenditure by the Town for supplies, services or construction of $160,000.00 (One Hundred Sixty thousand dollars) or more to be paid out of the funds of the town shall be referred to as a "large expenditure" and shall be made pursuant to formal bidding set forth in Section 3-709. No large expenditures shall be made without written approval from the Mayor. Any expenditure of $10,000.00 (ten thousand dollars) or more must be approved by the Town Council.

B. Medium Expenditures - Except as otherwise provided herein, any expenditure by the Town for supplies, services or construction $10,000.00 to $159,999.99 shall be referred to as a "medium expenditure" and shall be made pursuant to the formal bidding procedures set forth in Section 3-709 or the informal bidding procedures set forth in Section 3-710.

C. Small Expenditures - Except as otherwise provided herein, any expenditure by the Town for supplies, services or construction for less than $10,000.00 (ten thousand dollars) shall be referred to as a "small expenditure" and shall be made pursuant to the formal bidding procedures set forth in Section 3-709, or the request for quotes procedures set forth in Section 3-710.

D. Exempt Expenditures - The following expenditures of the Town shall be referred to as "exempt expenditure" and may be made without formal or informal bidding procedures, but should be made with as much competition as practicable under the circumstances. Except where noted, the procurement officer shall determine that an expenditure falls within one of these exemptions. All exempt expenditures shall be reviewed by the Town Council on at least a monthly basis.

1. Minor - Any expenditure amounting to less than $5,000.00 (five thousand dollars).

2. Sole Source - Any expenditure for goods or services which are clearly by their nature not reasonably adapted to award by competitive bidding. These expenditures include, but are not limited to; goods or services which can only be purchased from a sole source, contracts for additions to and repair and maintenance of equipment already owned by the Town which may be more efficiently added to, repaired or maintained by a certain person or firm, and equipment which, by reason of the training of the personnel or an inventory of replacement parts, is compatible with the existing equipment owned by the Town. Sole source procurement must be approved in writing by the Town Administrator.

3. Emergency - See Section 3-708 for procedures to follow.

4. State Bidding - Any expenditure for which competitive bidding or price negotiation has already occurred on the state level.

5. Interlocal Cooperation - Any expenditure made in conjunction with an agreement approved by resolution of the Town Council between the Town and another town or government entity.

6. Professional Services - Any expenditure for professional services which by their nature are not reasonably adapted to award by competitive bidding. Such expenditures shall be awarded at the discretion of the

Mayor based on the recommendation of the Department Head and following the "request for proposals" procedures set forth in Section 3-712.

7. Special Sale - Any expenditure made in conjunction with any public auction, closeout sale, bankruptcy sale or other similar sale when the procurement officer determines in writing that such purchase may be made at a cost below the market cost for the same or similar goods and such determination is reviewed and approved by the Town Council.

8. Exchanges - Any exchange of supplies, materials, property, or equipment between the Town and other public or private party made by mutual agreement of the respective parties.

9. Utah Correctional Industries - Supplies, services or construction produced by Utah Correctional Industries may be purchased without seeking competitive quotes or bids.

Adopted 11th day of October, 2012

3-708 - Emergency Procedures.

A. When the Mayor makes a determination of "local emergency" under the provisions of Section 63-5a-6 of the Utah Code Annotated, the provisions of this chapter are suspended for a period not to exceed thirty days. Emergency purchases shall be made in accordance with Section 63-56-24 of the Utah Code Annotated and with subsection (B) of this section.

B. Notwithstanding any other provision of this chapter, when there exists a threat to public health, welfare, or safety, the Mayor may make or authorize others to make emergency purchases; provided, that emergency purchases shall be made with as much competition as practicable under the circumstances. A written determination of the basis for the emergency purchase and for the selection of the particular contractor or vendor shall be included in the contract or purchase order file.

3-709 - Formal Bidding Procedure. Except as otherwise provided herein, all large expenditures shall be made by written contract between the Town and the lowest responsible bidder according to the following procedure:

A. Specifications - Specifications shall be prepared by or under direction of the Mayor his/her designee, or department head.

B. Invitation for Bids - An invitation for bids shall be prepared by or under the direction of the Mayor or designee. The invitation shall:

1. Describe the goods or services to be purchased or work to be performed;

2. Set forth all contract terms, conditions and bond requirements applicable to the purchase or work;

   a. Set forth the criteria that will be used to evaluate the bid;

   b. State where plans, specifications and other information may be obtained;

   c. State the time and place of the bid opening; and

   d. Reserve to the Town the right to reject any and all bids for any reason without liability.

C. Notice - The invitation for bids shall be published in a newspaper of general circulation within the Town limits at least ten days prior to the opening of bids.

D. Amending Invitation - The invitation to bid may be amended, supplemented, or canceled at any time prior to the opening of bids when the procurement officer determines that such action is in the best interest of the Town. The reasons for the amendment or cancellation of the invitation shall be in writing and shall be made a part of the Town's records.

E. Sealed Bids - All bids shall be received by the Town in sealed envelopes labeled "Bid for item" which shall not be opened prior to the time set for opening of the bids, except as provided in subsection (F) of this section.

F. Correction of Bids - The procurement officer shall permit correction or withdrawal of inadvertently erroneous bids in appropriate circumstances; provided, that no changes in bid prices or other provisions of bids which are prejudicial to the interest of the Town or fair competition shall be permitted. Any decision to permit the correction or withdrawal of bids shall be supported by a written determination prepared by the procurement officer.

G. Opening Bids - The bids shall be opened publicly by the Town Recorder and the department head in the presence of one or more witnesses at the time and place designated in the invitation of bids.

H. Recording Bids - The amount of each bid and the name of the bidder shall be read aloud as the bids are opened, and such information shall be recorded and open to the public inspection during regular business hours for a period of not less than thirty days after the bid opening.

I. Evaluating Bids - The bids shall be evaluated within a reasonable time by the department head to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the invitation for bids:

1. Price - The total price of the bid.

2. Quality - The overall quality of the goods or work to be provided and/or the ability, capacity and skill of the bidder to provide any services or work required.

3. Conditions - The number and scope of any conditions or qualifications set forth in the bid.

4. Time - The time limit within which the bidder shall provide the goods, services or work.

5. Reputation - The character, integrity, reputation, judgment, experience and efficiency of the bidder and the quality of previous goods, services or work obtained from the bidder.

6. Compliance - The previous and existing compliance by the bidder with laws and ordinances relating to the goods, services or work.

7. Financial Resources - The sufficiency of the financial resources and ability of the bidder to provide the goods, services, or work.

8. Future Services - The sufficiency of the financial resources and ability of the bidder to provide the goods, services, or work.

9. Local Bidder - When possible, preference shall be given to local bidders.

J. Determination - The department head shall determine the lowest responsible bidder. All information relating to the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance.

K. Cancellation and Rejection of Bids - The Town reserves the right to cancel an invitation for bids or to reject any or all bids for any reason. Such cancellation or rejection shall be in writing and shall be made part of the Town's records.

In the event all bids are rejected and the Town determines to make the improvement or purchase, it shall advertise anew as provided herein. If, after twice advertising, no satisfactory bid is received, the Town Council may proceed to negotiate or make the improvement or acquisition or enter such other agreements as it deems necessary or desirable.

L. Tie Bids - If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the procurement officer shall negotiate with the tie

bidders after the time of the bid opening until such time as the lowest responsible bid is obtained.

M. Single Bid - In the event only one bid is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation.

N. Bond - Bid performance and/or payment bonds may be required in conjunction with any bid or contract entered hereunder in such form and amounts as required by law and by the Town Council as reasonably necessary to protect the best interest of the Town.

O. Responsibility of Bidder - The department head may request additional information with respect to the responsibility of a bidder. The failure of a bidder to promptly supply information in connection with a request of the department head regarding responsibility shall be grounds for a determination of non-responsibility and/or non-responsiveness of the bidder.

3-710 - Informal Bidding Procedure. Except as otherwise provided herein, all medium expenditures of the Town shall be awarded to the lowest responsible bidder according to the formal bidding procedure set forth above or according to the following procedure:

A. Invitation for Bids - The department head shall invite bids from at least three potential, responsible providers of the supplies, services or construction needed or desired. Such invitations and bids must be made in writing, including fax or electronic means, and shall be made without favoritism or bias. A record of all invitations and bids made hereunder shall be kept by the department head.

B. Evaluation - The Mayor or designee shall evaluate the bids to determine the lowest responsible bidder based upon the criteria set forth in Section 3-709-I. A public bid opening is not required.

C. Determination - The Mayor or designee shall determine the lowest responsible bidder and award a written contract to such bidder. If only one bid is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation. All information relating to the bids obtained and the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance.

3-711 - Request for Quotes Procedures. Except as otherwise provided herein, all small expenditures of the Town shall be awarded to the lowest responsible bidder according to the formal bidding procedure in Section 3-709, the informal bidding procedure in Section 3-710, or according to the following procedure:

A. Request for Quotes - The department head shall request quotes form at least three potential responsible providers of the supplies, services or construction needed or

desired. Such requests and quotes may be made in writing or orally, including by telephone, and shall be made without favoritism or bias. A record of all requests for quotes made hereunder shall be kept by the department head.

B. Evaluation - The Mayor or designee shall evaluate the quotes to determine the lowest responsible bidder based upon the criteria set forth in Section 3-709-I. A public bid opening is not required.

C. Determination - The department head shall determine the lowest responsible bidder and award the contract to such bidder. If only one quote is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation. All information relating to the quotes obtained and the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance.

3-712 - Request for Proposals (Professional Services). Professional services shall be awarded to the lowest responsible bidder according to the following procedures: The department head shall request proposals from at least three potential, responsible providers of the professional services needed or desired. For large and medium expenditures, the request for proposals and the proposal shall be in writing, including fax or electronic means. For small expenditures, the request for proposals and the proposals may be made in writing or orally, including by telephone, and shall be made without favoritism or bias. A record of all requests for proposals made hereunder shall be kept by the department head.

A. Request for Proposals - A request for proposals shall be prepared by or under the direction of the department head. The request for proposal shall:

1. Describe the professional services to be performed;

2. Set forth the criteria that will be used to evaluate the proposal;

3. State where additional information may be obtained; and

4. Reserve to the Town the absolute right to reject any and all proposals for any reason the Town shall determine.

B. Notice - For large expenditures, the request for proposals shall be published once in a newspaper of general circulation within the Town limits at least ten days prior to the date proposals are due.

C. Amending Proposal - The request for proposal may be amended, supplemented, or canceled at any time prior to the specified due date when the procurement officer determines that such action is in the best interest of the Town. The reasons for the amendment or cancellation of the proposal shall be in writing and shall be made in part of the Town's records.

D. Opening Proposals - The proposals shall be opened by the department head as soon as possible after the specified due date. A public opening is not required.

E. Recording Proposals - The amount of each proposal and the name of the bidder shall be recorded and open to the public inspection during regular business hours for a period of not less than thirty days after the proposals are opened.

F. Evaluating Proposals - The proposals shall be evaluated within a reasonable time by the department head to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the request for proposals:

1. Price - The total price of the proposal.

2. Time - The time limit within which the bidder can provide the services.

3. References - The character, integrity, reputation, judgment, experience and efficiency of the bidder and the quality of previous services received from the bidder.
4. Other - Any other measurable criteria as set forth in the request for proposals.

G. Determination - The department head shall determine the lowest responsible bidder and award the contract to such bidder. If only one quote is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation. All information relating to the proposals obtained and the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance. All contracts of $25,000.00 (twenty-five thousand dollars) or more (large expenditures) must be approved in writing by the Town Administrator.

3-713 - Delivery. When supplies ordered are delivered, the department head shall inspect the supplies received to assure that the correct quantity and quality have been delivered. If in the sole discretion of the department head the supplies delivered are satisfactory, the supplies shall be accepted and a copy of the packing slip, invoice, or other delivery document shall be stapled to the request for payment and forwarded to the appropriate employee for review, payment and filing.

3-714 - Petty Cash.

A. Petty Cash Fund - The Town shall maintain a petty cash fund. The total aggregate amount of cash, vouchers and receipts shall not exceed $500.00 (five hundred dollars), which shall be kept in a locked box. The Petty Cash Custodian, appointed by the Mayor, shall maintain a balance of $100.00 (one hundred dollars).

B. Limits - Any employee of the Town may receive up to fifty dollars from the petty cash fund for any lawful and necessary expenditure to be made on behalf of the Town. Employees shall not receive any money from the petty cash fund for personal use.

C. Procedure - Any employee receiving money from the petty cash fund shall sign a petty cash voucher showing the amount received and an explanation of the intended use of the money. Within two business days after making the expenditure, the employee shall return any excess money to the petty cash fund and staple the receipt for the expenditure to the petty cash voucher.

D. Replenishing Fund - When money in any petty cash fund becomes less than one hundred dollars, the custodian shall request a check to the petty cash fund to increase the amount of currency in the fund to the amount specified above.

3-715 - Disposal of surplus. The Town shall have the authority to sell, lease, convey and dispose of public property for the benefit of the Town as provided by Section 10-8-2 of the Utah Code Annotated, as amended. All disposal, leases, or subleases of such public property shall be made, as nearly as possible, under the same conditions and limitations as required by this chapter for the purchase of property including notice and bidding procedures.

The Town Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair, and appropriate considering intended use, property tax value, and the interests of the Town, the sale of any surplus property at public auction; the trade or exchange of any surplus property; and the lease or sublease of any surplus property.

3-716 - Ethics.

A. Conflicts of Interests - Any officer or employee of the Town with a direct or indirect pecuniary interest in any contract entered into by the Town must disclose such conflict of interest to the Town administrator. All officers and employees are required to comply with applicable provisions of state law regarding ethics including, but not limited to, the Utah Municipal Officers' and Employees' Ethics Act set forth at Section 10-3-1301, et seq., of the Utah Code Annotated, as amended and adopted by the Town.

B. Collusion - Any agreement or collusion among bidders or prospective bidders to bid a fixed price or to otherwise restrain competition shall render the bids of such bidders void.

C. Personal Use - Any purchase of supplies or equipment by the Town for the personal use of any officer or employee of the Town is prohibited.

D. Advance Disclosures. Any disclosure in advance of the opening of bids, whether in response to advertising or any informal request for bids, made or permitted by a member of the Town Council or Town employee shall render void the advertisement or request for bids.

E. No employee, officer, elected officials or Board Members shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself/herself or for another person, except under the following circumstances:

1. An occasional non-pecuniary gift having a value of less than twenty-five dollars;

2. An award publicly presented;

3. Any bona fide loan made in the ordinary course of business; or

4. Political campaign contributions actually used in a political campaign.

F. Any person acting as a procurement officer for the Town or who in any official capacity participates in the procurement of supplies, services, construction or real property, is guilty of a felony offense if the person asks, receives or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, from any person interested in the sale of such supplies, services, construction or real property, either for the person's own use or the use or benefit of any other person or organization.

G. A person who is interested in any way in the sale of any supplies, services, construction or real property is guilty of a felony if the person gives or offers to give any emolument, gratuity, contribution, loan or reward, or any promise thereof to any person acting as a procurement officer, or who in any official capacity participates in the procurement of such supplies, services, construction, or real property, whether it is given for his/her own use or for the use or benefit of any other person or organization.

H. Violation - Any violation of this section by an officer or employee of the Town shall be cause for disciplinary action, up to and including termination, in accordance with the disciplinary procedures of the Town, and/or criminal charges.

3-717 - Records. All procurement records of the Town shall be retained and disposed of in accordance with the Town's Government Records Access and Management Ordinance.

3-718 - Appeals.

A. Appeal - Any person aggrieved of a determination of the Town or in connection with the provisions of this chapter may appeal the determination or action within ten working days after the aggrieved person knows or should have known of the facts giving rise thereto by filing a written protest and the reasons therefore with the Mayor. A protest with respect to an invitation for bids shall be submitted in writing prior to the opening of bids unless the aggrieved person did not know or could not have reasonably known of the facts giving rise to the protest prior to bid opening. Any protest shall list the pertinent facts giving rise to the protest.

B. Action by Town - In the event of a timely protest, the Town shall not proceed further with the solicitation or with the award of the contract or purchase order until the protest is sustained or rejected by the Mayor. Untimely protests will not be considered.

C. Decision - The Mayor shall within fifteen days of receipt of the written protest issue a written decision regarding any protest stating the reasons for the decision and informing the protestor of any rights to judicial review as provided by law. A copy of the decision shall be provided to all parties.

D. Settlement - The Town Council shall have the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve the protest.

(New ordinance, approved June 14, 2007)

CHAPTER 3-800 Administrative Code Enforcement Ordinance and Procedure

3-801 – The following will be known as the Garden Town Administrative Code Enforcement Ordinance and Procedure.

3-802 – Administrative Hearings

A. Purpose and Intent. For specified municipal action, as more particularly defined and designated in this code, in which an adverse decision by a Town Official results in detriment to a person, it is the purpose and intent of the Town Council to afford that person due process of law by way of an administrative hearing.

Due process shall require proper notice of the nature of the violation and the opportunity to be heard, a hearing before a fair and impartial Administrative Code Enforcement Judge, the right to present evidence, the right to cross-examination,

the right to be represented by an attorney or other advocate, the right to receive an adequate explanation of the reasons justifying any resulting administrative order and the right to appeal an administrative order to the district court.

B. Effect of Headings. Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of this chapter.

C. Severability. If any section, subsection, sentence, clause, phrase, portion or provision of this chapter is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The Town Council hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, portion or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portion or provisions be declared invalid or unconstitutional. This section shall apply to all amendments made to this chapter.

D. Definitions.

1. Administrative citation – means a citation issued to a responsible person that gives notice of a violation and the civil fee for such violation.
2. Administrative order – means an order issued by an Administrative Code Enforcement Judge. The order may include an order to enter upon private property to abate a violation of this code, to pay civil fees and administrative costs, to reverse or modify decisions of Town Officials as provided elsewhere in this code or take any other action as authorized or required by this chapter and applicable state codes.
3. Administrative Code Enforcement Judge – means a person appointed by the mayor or his designee, as set forth in section 3-802-H, to preside over administrative hearings as set forth.
4. Municipal action – means a notice of violation and summons, an administrative citation, a notice of emergency abatement or other notice of any other adverse municipal decision for which the right to an administrative hearing is specifically provided by ordinance.
5. Notice of emergency abatement – means a written notice that informs a responsible person of emergency abatement actions taken by the town.
6. Notice of violation and summons – means a written notice that informs a responsible person of code violations, orders certain steps to correct the violations, demands appearance at an administrative hearing and sets forth a date and time for the hearing.
7. Person – means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, sergeant, officer or employee of any of them or any other entity that is recognized by law as the subject of rights or duties. For

purposes of this chapter, "person" also indicates a person whose interest is adverse to the town at an administrative hearing.

E. Request for administrative hearing.

1. Where the right to an administrative hearing has been established under this code, a person having that right may request an administrative hearing, if the request is filed within ten calendar days from the date of service of one of the following:
   a. Administrative citation.
   b. Notice of emergency abatement.
   c. Notice of any other municipal action where the right to an administrative hearing is provided under any other title and chapter of this code.
2. The request for an administrative hearing shall be made in writing, and shall be accompanied by a **filing fee** to be established in the consolidated fee schedule. This fee shall not be waived.
3. The request shall comply with the following requirements:
   a. It shall be in writing.
   b. It shall contain a legible, plain statement of the reason or reasons that the person requesting the hearing is entitled to relief from the municipal action;
   c. It shall be accompanied by a copy of the itemized statement of costs. Administrative citation, notice of emergency abatement or other notice of municipal action for which the hearing is requested;
   d. It shall contain the name of the person requesting the hearing and the address to which all notices and orders shall be mailed;
   e. It shall be dated and signed by the person requesting the hearing; and
   f. It shall be filed with the Town Recorder.
4. The Town may initiate an administrative hearing by service and filing of a notice of violation and summons as provided in Chapter 8.14. Service of the notice of violation and summons shall be made as provided in Section 8.14.120.
5. Within twenty (20) days after receiving a request for an administrative hearing or the service of a notice of violation and summons, the Administrative Code Enforcement Judge shall schedule a date, time and place for the administrative hearing. Failure to hold the hearing within twenty (20) days of the request shall not be a basis for reversal of the municipal action. No adverse action, except an emergency abatement pursuant to Section 8.14.410, shall be taken pending the administrative hearing.
6. Failure to request an administrative hearing within ten calendar days from the date of service of any of the notices in subsection (1) above shall constitute a waiver of the right to an administrative hearing and the right to an appeal.

F. Notification of administrative hearing.

1. Notice of the date, time, and place of the administrative hearing shall be served upon the person requesting the hearing no later than five business days in advance of the hearing. Failure to provide timely notice of the hearing shall result in the continuation of the hearing. No adverse action will be taken or imposed by the town, with the exception of emergency abatement action pursuant to 8.14.410, pending the hearing.

2. Except in the case of a notice of violation and summons, the notice shall be served by mailing it to the address designated in the request for hearing and shall be deemed to have been served on the third day following the date of mailing. Notice of violation and summons shall be served in accordance with Section 8.14.120.
3. Upon service of the notice or notice of violation and summons, the person receiving the service shall be required to attend the administrative hearing at the appointed date and time.

G. Appointment and qualifications of the Administrative Code Enforcement Judge.
1. The mayor, with the consent of the Town Council, shall appoint an Administrative Code Enforcement Judge to preside at administrative hearings.
2. The Administrative Code Enforcement Judge shall serve for a term of two years and, during that two-year term, shall be subject to removal by the mayor only for cause.
3. Cause for removal may be for any conduct unbecoming a hearing officer, dereliction of assigned duties or the existence of a bias or conflict of interest that might affect impartiality of decisions. The Administrative Code Enforcement Judge may appeal a removal for cause to the Town Council which shall uphold the removal if there is substantial evidence to support the mayor's decision.
4. A person appointed to serve as an Administrative Code Enforcement Judge shall have significant experience with the requirements and operation of administrative hearing processes. The person shall be free from any bias or conflict of interest that might affect impartiality of decisions.
5. An Administrative Code Enforcement Judge is subject to disqualification for bias, prejudice, interest or any other reason for which a judge may be disqualified in a court of law. The Administrative Code Enforcement Judge shall promulgate rules and procedures for disqualification and replacement.

H. Administrative Code Law Judge – Appointment and Vacancies.
1. The Administrative Code Law Judge shall be appointed by the Mayor and confirmed by a majority of the Town Council. The term of the Administrative Code Enforcement Judge shall be four years.
2. If a vacancy occurs in the office of the Administrative Code Enforcement Judge before the completion of his or her term of office, the mayor may:
   a. Fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments as found in subsection 1 of this section.
   b. Contract with a justice court judge of the county, an adjacent county or another municipality within those counties for enforcement services.

I. Powers of Administrative Code Enforcement Judge.
1. An Administrative Code Enforcement Judge shall have authority to hold an administrative hearing for violations of this code and such other matters as specifically designated by ordinance.
2. An Administrative Code Enforcement Judge may continue a hearing for good cause shown by one of the parties or if the Administrative Code Enforcement

judge independently determines that due process has not been adequately afforded to a party.

3. At the request of any party to an administrative hearing, an Administrative Code Enforcement judge may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful by the Administrative Code Enforcement Judge to decide issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.
4. The Administrative Code Enforcement Judge may modify civil fees or fines upon a finding of good cause. The Administrative Code Enforcement Judge may reduce the fines to what is just and equitable under the circumstances; however, in connection with an appeal regarding an itemized statement of costs, the Administrative Code Enforcement Judge may not order the responsible person to pay less than actual costs incurred by the town and shall require the responsible person to pay the administrative costs.
5. The Administrative Code Enforcement Judge shall have authority to reverse or modify the decision of a Town Official.
6. An Administrative Code Enforcement Judge has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of: granting a continuance; ordering compliance by issuing an administrative order; ensuring compliance of that order; authorizing the town to enter upon private property to abate a violation; modifying an administrative order, assessing costs of abatement, assessing civil fines; or, where extraordinary circumstances exist, granting a new hearing.
7. An Administrative Code Enforcement Judge may require a responsible person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the enforcement Official handling the matter for the town.
8. An Administrative Code Enforcement Judge shall not make any order that would require or allow a person to violate state law or town ordinance.

J. Procedures at administrative hearing.

1. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, upon request made in writing reasonably in advance of a hearing, the town shall provide to a person requesting a hearing the opportunity to review documents, photographs or other tangible evidence it intends to present at the hearing and shall provide a list of the witnesses it intends to call at the hearing. Failure to request discovery shall not be a basis for a continuance. Complainant information shall not be disclosed or released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow duly adopted policies and procedures.
2. The town shall bear the burden of proof to establish the existence of a violation of this code.
3. Such proof shall be established by a preponderance of the evidence.
4. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his case. A written declaration signed under penalty of

perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.

5. Administrative hearings shall be held at Town Hall, open to the public and shall be recorded by audiotape; however, at the discretion of the Administrative Code Enforcement Judge, administrative hearings may be held at the location of a violation as long as adequate provision is made to preserve a verbatim record of the hearing.
6. The person shall have the right to be represented by an attorney or other advocate. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address, and telephone number shall be given to the Town Attorney at least one week prior to the hearing. If such notice is not given, the hearing may be continued at the town's request, and all costs of the continuance shall be assessed to the person requesting the hearing.
7. The burden to provide any raised defenses shall be upon the party raising any such defense and shall be established by a preponderance of the evidence.
8. Administrative hearings may be held on Mondays through Fridays, excluding town holidays, between the hours of nine a.m. and four p.m.

K. Failure to attend administrative hearing.

1. A person who fails to appear at an administrative hearing shall be deemed to have waived all rights in connection with the hearing, including the right to appeal. Provided that proper notice of the hearing has been given as provided in Section F, an administrative order may be entered against a person based upon the failure to appear.

L. Administrative order.

1. A person and the town may enter into a stipulated agreement, which shall be signed by both parties. Such agreement may be entered as an administrative order. Entry of such agreement shall constitute a waiver of the right to an administrative hearing and the right to appeal.
2. Within ten days after all evidence and testimony are presented, the Administrative Code Enforcement Judge shall issue a written administrative order that affirms, rejects or modifies the notice of violation and summons, administrative citation, notice of emergency abatement or other municipal action.
3. If affirmed, the administrative order shall specify the evidence supporting the Administrative Code Enforcement Judge's decision and the action required to satisfy the order.
4. The Administrative Code Enforcement Judge may assign the party who prevails at the administrative hearing to prepare findings of fact and conclusions of law.
5. An Administrative Code Enforcement Judge may issue an administrative order that requires a person to cease from violating this code and to take any necessary corrective action.
6. An Administrative Code Enforcement Judge may order the town to enter the property and abate all violations, including the removal of animals in violation of an applicable code requirement. Whenever an order of abatement is entered, the Administrative Code Enforcement Judge shall order the responsible person to pay to the town the actual costs of the abatement and the administrative costs of the town to perform the abatement.

7. An Administrative Code Enforcement Judge may revoke the right to possess animals as provided in this code.
8. As part of an administrative order, an Administrative Code Enforcement Judge may establish specific deadlines for the payment of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by specified deadlines. Such fees shall continue to accrue until the responsible person complies with the Administrative Code Enforcement Judge's decision and corrects the violation.
9. An administrative order imposing civil fines for failure to abate a violation of the Town Code by a stated deadline, shall continue to accrue additional fines until the responsible person complies with the Administrative Code Enforcement Judge's decision and corrects the violation but shall not exceed one thousand dollars (1,000.00) per violation.
10. An Administrative Code Enforcement Judge may schedule subsequent review hearings as may be necessary or as requested by the town of ensure compliance with an administrative order.
11. An Administrative Code Enforcement Judge may order a person to post a performance bond to ensure compliance with an administrative order, but only if agreed to by the Enforcement Official handling the matter for the town.
12. An Administrative Code Enforcement Judge may revoke or suspend a business license, a building permit, or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of real property or a structure where a violation is located as provided in this code.
13. An Administrative Order shall become final on the date of signing by an Administrative Code Enforcement Judge.
14. An Administrative Order shall be served on all parties as provided in Section 3-802-D-2.
15. An Administrative Code Enforcement Judge may take any action reasonable necessary to obtain compliance with the applicable town ordinances.
16. An Administrative Code Enforcement Judge may assess civil fines and costs of abatement and administrative costs to a responsible person.

M. Failure to comply.
1. It shall be unlawful for any person to fail to comply with the terms and deadlines set forth in a final administrative order.
2. A violation of this section shall be subject to small claims court.
3. Upon failure of a person to comply with the terms and deadline set forth in the administrative order, the town may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

N. Appeal.
1. Any person adversely affected by a final administrative order made in the exercise of the provisions of this chapter may file a petition for review in the district court.
2. The petition shall be barred unless it is filed within thirty (30) days after the administrative order is final.

3. In the petition, the person may only allege that the administrative order was arbitrary, capricious or illegal.
4. The court shall:
   a. Presume that the administrative order is valid.
   b. Review the record to determine whether the order was arbitrary, capricious, or illegal; and
   c. Affirm the administrative order if it is supported by substantial evidence in the record.
5. The record of the proceedings including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court.
6. If the proceeding was tape recorded, a transcript of such tape recording shall be deemed a true and correct transcript for purposes of this subsection. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Code Enforcement Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.
7. If there is a record, court review shall be limited to the record of the proceeding. The court may not accept or consider any evidence outside such record unless that evidence was offered to the Administrative Code Enforcement Judge and the court determines that the Administrative Code Enforcement Judge improperly excluded it. The court may call witnesses and take evidence if there is no record.
8. The filing of a petition for review with the district court does not stay execution of an administrative order. Before filing a petition, a person may request the Administrative Code Enforcement Judge to stay an administrative order. Upon receipt of a request to stay, the Administrative Code Enforcement Judge may order the administrative order to be stayed pending district court review if the Administrative Code Enforcement Judge finds such stay to be in the best interest of the town.

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(Approved September 19, 2019)

CHAPTER 4-100 REGULAR ELECTIONS

4-101 Election of Mayor and Council Members shall be conducted according to the election code of the Utah Code. (Reference 20A).

4-102 This ordinance provides for the candidates for Mayor and Council Members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election plus candidates that were required to run in the primary are to be placed on the November ballot.

4-103 Voting – Elections.

A. The voters shall be entitled to one (1) vote for each position to be filled, provided however, that a voter shall not cast more than one (1) vote for any one (1) candidate. In those cases where there are two (2) candidates only, for (1) vacancy, the candidate receiving the majority of the votes cast shall be deemed elected.

B. Where there are offices in the Town Council to be filled, the candidate receiving the greater number of votes cast for that office shall be elected to the office. The candidate receiving the next greater number of votes shall fill the next vacancy and likewise, until all vacancies are filled.

4-104 Sample Ballots to be Mailed. The Town Recorder shall at least four (4) days before the election, send to the registration agent in each election district in the Town, at least five (5) copies of the printed sample ballots required by law to be printed. Such sample ballots shall at least three (3) days before the day of election, be conspicuously posted by the registration agents in one or more public places in their respective election districts and one (1) or more sample ballots shall be posted where such election is to be held.

4-105 Challenges to Form of Ballot. All certificates of nominations which are in substantial conformity with the requirements of this chapter shall be deemed to be valid unless objection thereto shall be made in writing and filed with the Recorder within three (3) days after recorded. Whenever an objection is made by any candidate, written notice of the objection shall be mailed by the Recorder within one (1) business day after receipt of the objection to all candidates. Within 48 hours after notifying all candidates that may be affected by the objection, or within 92 hours after receiving the objection, whichever is later, the Recorder shall decide whether the objection is valid. In the event the recorder decides that the objection has merit, the recorder shall cause the certificate of nomination to be corrected. The decision of the recorder shall be final and may not be changed except for a showing that the decision was fraudulent or made in bad faith and that the results of the election would have been different, but for the decision of the recorder.

4-106 Application of State Law. All other provisions of the election laws of the State of Utah, not inconsistent with this chapter, are hereby accepted as the election laws and ordinances of the Town of Garden City.

(Replaced and Approved March 11, 2004)

CHAPTER 4-200 Campaign Financial Disclosure

4-201 Campaign Financial Disclosure Requirements

A. Definitions

1. Candidate, shall mean any person who files a declaration of candidacy for an elective office of the Town; or is nominated by a committee or party; or received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or causes on his behalf, any written material or advertisement to be printed, published, broadcast, distributed, or disseminated which indicates an intention to seek such office.

2. Contributions, shall mean monetary and nonmonetary contributions such as in-kind contributions and contributions of tangible things but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.

3. Election, shall mean both primary and final elections.

4. Expenditure, shall mean a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate.

B. Filing of Disclosure Reports, Each candidate for elective offices shall file with the Town Recorder dated, signed, and sworn financial reports which comply with this ordinance.

C. Time of Filing, The reports required by the ordinance shall be filed at least fourteen days before both the primary and general elections and at least once within two months following the final election.

D. Contents of Statements, The statement filed fourteen days before the election shall include:

1. A list of each contribution of more than $50.00 received by the candidate, and the name of the donor;

2. An aggregate total of all contributions of $50.00 or less received by the candidate; and

3. A list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

The statement filed two months after the elections shall include:

1. A list of each contribution of more than $50.00 received after the cutoff date for the statement filed fourteen days before the election, and the name of the donor;

2. An aggregate total of all contributions of $50.00 or less received by the candidate after the cutoff date for the statement filed fourteen days before the election; and

3. A list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed fourteen days before the election, and the recipient of each expenditure.

E. Public Information, The statement required by this ordinance shall be public documents and shall be available for public inspection and copying during all regular Town business hours.

F. Penalty for Noncompliance, Any candidate who fails to comply with this ordinance is guilty of an infraction.

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(New ordinance, adopted August 9, 2007)

TITLE 5 – FINANCES AND TAXATION

CHAPTER 5-100 Sales and Use Tax

5-101 Uniform and local Sales and Use Tax Ordinance of the Town of Garden City.

5-102 Purpose. The legislature of Utah has authorized the municipalities of the State of Utah to enact sales and use tax ordinances enabling this municipality to impose a sales and use tax. Legislature has enacted amendments to Chapter 12 of Title 59, Utah Code Annotated, 1953, sufficiently to require this municipality to modify its sales and use tax ordinance to bring about conformity to those changes. It is the purpose of this ordinance to conform the Uniform Local Sales and Use Tax of the municipality to the requirements of the Uniform Local Sales and Use Tax Law of Utah, Chapter 12 of Title 59, Utah Code Annotated, 1953, as currently amended by repealing the previously enacted Uniform Local Sales and Use Tax Ordinance of this municipality and re-enacting by this ordinance a new Uniform Local Sales and Use Tax Ordinance.

5-103 Sales Tax.

A. 1. From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of one percent.

2. An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or

after the operative date of this ordinance at the rate of one percent of the sales price of the property.

3. For the purpose of this ordinance, all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed by and adopted by the State Tax Commission. Public utilities as defined by Title 54, Utah Code Annotated, 1953, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the City shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

B. 1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated, 1953, as amended, and in force and affect on the effective date of this ordinance, insofar as they relate to Sales Taxes, excepting Sections 59-12-101 and 59-12-119 thereof, are hereby adopted and made a part of the ordinance as through fully set forth herein.

2. Wherever, and to the extent that in Chapter 12 of Title 59, Utah Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefore. Nothing in subparagraph (b) shall be deemed to require substitution of the name of the municipality for the word “State” when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of the substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of the ordinance.

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

4. There shall be excluded from the purchase price paid or changed by which the tax is measured.

a. The amount of any sales or use tax imposed by the State of Utah upon a retailer of consumer;

b. The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the sale transaction to any other municipality and any county in the Sate of Utah, under the Sales or Use Tax Ordinance enacted by the county or municipality in accordance with the Sales and Use Tax Act.

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

6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

CHAPTER 5-200 Impact Fees.

This section has been moved to Title 14 – Impact Fees

CHAPTER 5-300 Resort Communities Tax

5-301 This Ordinance shall be known as the "Resort Communities Tax Ordinance of the Town of Garden City, Rich County, State of Utah."

5-302 Purpose. At the 1988 General Session, the 47th Utah State Legislature passed a bill authorizing cities or towns of the State of Utah, in addition to other taxes, including sales, use and transient room taxes, to impose a resort communities tax not to exceed one percent (1%) of all non-exempt sales. The purpose of this Ordinance is to enact and impose such a tax as a means to foster the development of the Town of Garden City in order to further the welfare of the citizens of the Town of Garden City and the economic growth of the community.

5-303 Definitions. As used in this Ordinance:

A. "Person" includes any individual, firm, partnership, joint venture, association, corporation, Limited Liability Company, estate, trust, business trust, receiver, syndicate, or any group of combination acting as a unit.

5-304ffective Date. This ordinance shall become effective at 12:01 a.m. on April 1, 2002.

5-305 Imposition of Tax.

A. From and after the effective date of this Ordinance, there is hereby imposed and levied, and there shall be collected and paid, in addition to any other taxes, including but not limited to, the Uniform Local Sales and Use Tax and the Transient Room Tax, a Resort Communities Tax, as set by resolution, of all sales in the Town of Garden City, Rich County, State of Utah, subject to exemptions provided for in section 59-12-104, Utah Code Annotated (1953 as amended).

B. 1. Except as hereinafter provided, an except insofar as they are inconsistent with the provision of Part 4, Chapter 12, 59, Utah Code Annotated, RESORT COMMUNITIES TAX COLLECTION, as amended, and in force and effect on the effective date of this Ordinance, are hereby adopted and made a part of this Ordinance as though fully set forth herein.

2. Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated, TAX COLLECTION, as amended, the State of Utah is named or referred to as the taxing agency or entity, the name of The Town of Garden City shall be substituted therefore. Nothing in this sub-section shall be deemed to require substitution of the name of The Town of Garden City for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah in any section when the result of that substitution would require action to be taken by or against The Town of Garden City or any agency or department thereof, rather than by or against the State Tax Commission in performing the functions incident to the Administration or operation of this Ordinance.

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

5-306 Collection of Tax.

A. The tax imposed pursuant to this Ordinance shall be levied at the same time and collected in the same manner as provided in THE LOCAL SALES AND USE TAX ACT, Part 2, Chapter 12, title 59, Utah Code Annotated (1953, as amended).

B. Heretofore, The Town of Garden City has entered into an agreement with the Utah State Tax Commission to perform all functions incident to the administration and operation of the SALES AND USE TAX ORDINANCE OF THE TOWN OF GARDEN CITY. The Town Council is hereby authorized to enter into such supplementary agreement with the Utah State Tax Commission as may be necessary to the collection, administration and operation of the tax enacted and imposed by this Ordinance.

5-307 Penalties. Any person who violates any of the provisions of this Ordinance shall be punished by a fine as set by resolution.

5-308 Severability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. It is the intention of the Garden City Town Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein.

(Replaced and Approved March 11, 2004)

CHAPTER 5-400 Transient Room Tax

5-401 Transient Room Tax Ordinance of the Town of Garden City

5-402 Purpose. It is the intent and purpose of Garden City to adopt a Transient Room Tax pursuant to and in accordance with Utah Code Annotated section 59-12-352 et. seq.

5-403 Definitions:

A. "Public Accommodation" means a place providing temporary sleeping accommodations to the public and includes:

1. Motel, Hotel
2. An Inn
3. A bed and breakfast establishment
4. Vacation Rental/Resort Home, STR, etc.
5. A room, including but not limited to; temporary rentable space.
6. A campsite

B. "Rent" means any compensation received in exchanged for providing public accommodations, time shares fees and dues.

C. "Transient" shall mean the occupation of public accommodation, by a person(s), of less than thirty (30) consecutive days or less.

5-404 Transient Room Revenue Tax There is hereby levied upon the business of every person, company, corporation, or other like and similar persons, groups, or organizations doing business in Garden City as motor courts, motels, hotels, inns, or like, and similar public accommodations, an annual license tax equals to one percent (1%) of the gross revenue derived from the rent for each and every occupancy of a suite, room, or rooms, for a period of less than thirty (30) days.

Subject to the limitations or Utah Code Annotated 59-12-352 (1), the transient room tax may be modified at any time by ordinance.

5-405 Collection Garden City shall contract with the State Tax Commission to collect the Municipal Transient Room Tax. The Mayor is hereby authorized to enter into agreements with the State Tax Commission that may be necessary for the continued administration and operation of the Transient Room Tax enacted by this chapter.

5-406 Use Revenues generated by the transient room tax shall be deposited in the Town's general fund and may be used for any general fund purpose.

5-407 Exemptions to Transient Room Tax

No Transient Room Tax shall be imposed under this chapter upon any person:

a. Engaged in business for solely religious, charitable or other types of strictly non-profit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah; or

b. Engaged in a business specifically exempted from municipal taxation and fees by the law of the United States or the state of Utah.

5-408 Penalties and Interest

Penalties and interest equal to those authorized by UCA Section 59-1-401 and 59-1-402 (as amended), or its successor shall be imposed on any person who;

a. Is required to pay the tax under this part; and
b. Does not remit the tax to the collecting agent within the time prescribed by law.

5-409 Saving Clause If any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provisions or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the Town Council of Garden City.

5-410 Date of Effect

BE IT FURTHER ORDAINED that this Ordinance, and the fees listed herein, shall become effective on the 1st day of October, 2019, and after publication or posting as required by law.

This Ordinance adopted May 9, 2019

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TITLE 6 – MUNICIPAL IMPROVEMENT PROJECTS

CHAPTER 6-100 Municipal Improvement Projects.

6-101 Public Hearings. Before the Council orders the construction of any public improvement or the acquisition or sale of any property for public use, or both, herein referred to as "improvements," where the cost thereof is to be paid in whole or in part by special assessments or through special assessment taxes upon lands, a public hearing may be held and a finding and determination made by the Council as provided herein, that the public convenience and necessity require the same.

6-102 Order to Hold Hearing. The Council may order and hold a public hearing to find and determine whether the public convenience and necessity requires any such improvement. Before ordering such hearing, the Council shall give reasonable notice by publication and posting.

(Approved May 13, 2004)

CHAPTER 6-200 Contracts for Public Improvements. The Town of Garden City, in addition to any other rights and powers now held by it, or that hereafter may be granted to it under the constitution or laws of the State, shall have the right and power to make contracts for public improvements.

6-201 Bids on Public Improvements. Lowest responsible bidder generally. Utah Code Annotated 63-56-20.

6-202 Exemptions. Utah Code Annotated 63-56-3 for bids on municipal improvements.

6-203 Public Contracts Generally. Utah Code Annotated 14-1 et seq.
6-204 Acceptance of Bids. The Council in its intention or in the final order of the work to be done may let a contract for the making of said improvements. Such contract shall be let to the lowest regular responsible bidder, provided, however, that the Board shall not award any such contract for an amount in excess of one-tenth above the total estimated cost of the improvement (including the incidental expenses) as shown upon the proposed assessment roll, unless by order of the Council the amount of such excess is to be paid from funds designated and made available for that purpose. If no bids are received or if all bids are rejected, the Board may re-advertise for bids at any time and such delay shall in no way affect the validity of any of the proceedings or assessments levied thereunder.

6-205 Performance Bond Required for Public Buildings and Public Works. Utah Code Annotated 63-56-38.

6-206 Claims for Labor or Materials. Utah Code Annotated 14-1-19.

6-207 Liability of Governing Body on Failure to Require Bond. Utah Code Annotated 14-1-19.

(Approved May 13, 2004)

CHAPTER 6-300 Taking Issues

6-301 Taking Issues: Provision relating to the physical taking or exaction of private real property that may have constitutional taking issues.

A. Purpose. The purpose of this section is to provide advisory guidelines to assist the Town Council in identifying actions that involve physical taking or exaction of private real property that may have constitutional taking issues.

B. Definitions. As us herein:

1. "Constitutional Taking Issues" means actions involving the physical or regulatory taking of private real property by the Town that might require compensation to a private real property owner under:

a. The Fifth or Fourteenth Amendment of the Constitution of the United States;

b. Article I, Section 22 of the Utah Constitution; or

c. Any recent court rulings governing the physical or regulatory taking of private real property.

C. Guidelines. The following guidelines shall be considered by the Town Council when taking any action that might result in the physical or regulatory taking of private real property.

1. Identification. The Town Council should review the following to determine and identify whether a proposed governmental action raises constitutional taking issues.

2. Does the action result in a permanent physical occupation of private property?

3. Does the action require a property owner to dedicate property or grant an easement to the Town?

4. Does the action deprive the property owner of all economically viable uses of the property?

5. Does the action have a severe impact on the property owner's economic interest?

6. Does the action deny a fundamental attribute of ownership?

D. Analysis. If the Town Council determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the Town Council to analyze the possible taking and to determine the action to be taken. In reviewing the proposed action, the following factors may be analyzed.

1. The affect the potential taking would have on the use or value of the private property.

2. The likelihood that the action may result in a constitutional taking;

3. Any alternatives to the proposed action that would fulfill the Town's lawful objectives and reduce the risk of a constitutional taking;

4. The cost to the Town for payment of compensation if a taking is determined;

5. The governmental interest involved and its nexus to the potential taking; and

6. If the action is roughly proportionate or reasonable related to the impact of any proposed development.

E. Appeals. Any owner of private property whose interest in the property subject to a physical or regulatory taking by the Town, pursuant to a final and authoritative decision or action of the Town Council, may appeal the Town Council's decision or action by filing a written notice of appeal and statement of the grounds for the appeal in the Town Recorder's Office within thirty (30) days from the date of the Town Council's decision or action. The Town Council or its designee shall hear all evidence regarding the appeal and render its decision and findings in writing within fourteen (14) days from the date the appeal was filed. If the Town fails to hear and decide the appeal within fourteen (14) days, the Town Council's decision or action is presumed to be approved.

F. Limitations. The guidelines set forth herein are advisory only and shall not be construed to expand nor limit the scope of the Town's liability for a constitutional taking. The Town shall have no legal liability to any person, firm or entity of any nature whatsoever and a court may not impose liability upon the Town for failure to comply with the provisions of this Chapter.

(Approved May 13, 2004)

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CHAPTER 7 MUNICIPAL PROPERTY

CHAPTER 7-100 Regulation and Control.

7-101 Control of Property.

7-102 Control of Municipal Property.

7-103 Prohibited use. Unless authorized by permit or other written authorization issued by the municipality or unless authority is granted by provisions of this code or other ordinance of the municipality now hereafter enacted, it shall be prohibited for any person to:

A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this municipality or utility, canal ditch, construction or building.

B. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.

C. Enter upon any property of this municipality contrary to posting or marking, restricting or prohibiting use/activity of the area.

7-104 Repair or Restoration. The governing body in addition to any other penalty which may be imposed may order any person who has damaged, altered, or changed any property of this municipality to repair or restore the property to its original condition prior to the damage, alteration or change.

7-105 Franchise.

A. The governing body may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, construction building, operating and maintaining any business or for other use of the property of this municipality, and the provisions of section 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

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

7-106 Prohibiting smoking and vaping in city parks, recreational areas and at public events.

A. Definitions:

1. City Park means and includes city owned parks and recreational areas, playgrounds, public squares, athletic fields, and walking and biking trails.

2. E-Cigarette means and includes any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of vapor through the device; and includes an oral device that is composed of a heating element battery, or electronic circuit and marketed, manufactured, distributed, or sold as an e-cigarette, e-cigar, e-pipe, or any other product name or descriptor, if the function of the product meets the definition of an electronic oral device.

3. Mass gathering means an outdoor assembly of fifty (50) or more people on city owned property that reasonably can be expected to continue for at least one hour.

4. Smoke or Smoking means and includes possession, carrying, or holding a lighted pipe, cigar, e-cigarette, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, emitting, or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment.

B. Prohibited:

Smoking is prohibited:

1. In city parks.
2. Within fifty feet (50) of mass gatherings.

A violation of this section is an infraction punishable by a fine as set by resolution. The Code Infraction Officer shall have the discretion to issue a "warning" if they deem it is in the best interests of the city for the first offense.

C. Exceptions:

The restrictions of this section are subject to any applicable state or federal exemptions.

D. Posting of Signs.

"No smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a round circle with a red bar across it) shall be clearly and conspicuously posted in every city park.

7-107 Acts Exempted. It shall not be a violation of this part where any person uses the public property of this municipality in the manner or for the purpose or purposes for which such property has been made available for public use.

7-108 Penalties. The Governing Body may impose the following penalties for any act as described in section 7-103;

A. May order any person who has damaged, altered or changed any property of this municipality to repair or restore the property to its original condition prior to the damage alteration or change; and impose a fine in the amount stated by resolution in the Garden City Administrative Code Infraction Fine Schedule.

B. May impose a fine in the amount stated by resolution of the Garden City Administrative Code Infraction Fine Schedule for prohibited use/activities upon any property of this municipality.

Approved August 9, 2018.

CHAPTER 7-200 Cemeteries Reserved.

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TITLE 8 - LICENSING, CONTROL AND REGULATION OF BUSINESS AND CONSTRUCTION AND SHORT TERM RENTALS

CHAPTER 8-100 Provisions Relating to the Licensing, Control and Regulations of Businesses and Short Term Rentals.

8-101 An Ordinance Providing for the Issuance of Business Licenses.

8-102 Business. Any enterprise carried on for the purpose of gain or economic profit. Engaging in business includes, but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation.

8-103 Cost. The cost of a business license under this section shall be stipulated by resolution and shall apply to all businesses, seasonal or otherwise with the exception of transient businesses, see ordinance #8-200.

A location fee, as stipulated by resolution, will be charged and a Location Permit issued for a business with more than one (1) location. The additional locations must be directly related to and performing the same type of business as the main business.

A relocation address change will be charged for each relocation at the same rate as a new business license.

A business name change fee as stipulated by resolution will be charge for each time a business requests a name change.

Licensing fees are to cover administrative costs and shall not be pro-rated. No business license fee is refundable after license has been issued. If a license is denied, the applicant shall be entitled to a refund of the amount paid in excess of $25.00, which shall be retained to offset application processing costs.

8-104 Term of License. All licenses issued hereunder shall expire on the 31st day of December of each year unless sooner canceled and shall be issued for no longer than one year. All applications for licenses authorized by this ordinance shall be filed with the Town Clerk on the form provided and shall include the name of the business, the address where the business is operated, the nature of the business and such additional information as required.

The business owner is only allowed to operate the type/s of business listed on the application. Any expansion of or change in the nature of the business will require a new business license application, appropriate fee and completion of the business license approval process.

A. If a business changes ownership or proprietorship, the business license expires and the new owner must apply for a business license.

B. An additional business license will be required when an existing business opens or expands the scope of business into a type of business that is not similar to or related to its existing lines of business.

8-105 License Denial or Revocation. Any license issued shall be revoked, if the applicant or licensee does not comply with the license conditions required by Garden City, or fails to comply with the ordinances of Garden City, or any national, state or county rules, regulations and orders or any rules, regulations and orders of the State Board of Health relating to health matters.

8-106 Unlawful to operate without a license. Unless exempted by state, federal or local law, it shall be unlawful for any person to engage in business within the Town of Garden City, whether on a temporary or permanent basis, without first obtaining a Town of Garden City Business License. No license shall be issued unless the applicant is in compliance with applicable laws related to the business, trade, profession, calling or occupation of the applicant, including without limitation, zoning, building or similar laws applicable to the use or occupancy of the location, building or structure where the business is conducted or activity is proposed to be conducted. Unless exempted by state, federal, or local law, any person who engages in business prior to obtaining a business license shall be in violation of this ordinance and shall be issued a citation with a fine set by resolution.

8-107 License Renewal. All business licenses shall be renewed by January 1st of each year. If a business license is not renewed by January 1st, it is considered to be suspended until such time that the renewal process is complete. If a business license has not been renewed by March 1st, the renewal fee is double the original renewal fee until May 1st. If after May 1st, the business license fee has not been paid, the renewal fee is $500. The payment of a double fee shall not relieve any person from fully complying with all the requirements of the law, nor from any other prescribed penalties.

Failure to pay a license renewal fee shall not relieve any business or person from complying with existing business license requirements during the license suspension period, unless the business activity has been completely terminated in compliance with all applicable laws and ordinances.

8-108 Register with the State of Utah. All businesses in Utah are required by law to register with the Utah Department of Commerce either as a “DBA” (doing business as), corporation, limited liability company, city or county in which they are located. (per the Utah Dept. of Commerce).

8-109 Local, State and Federal Requirement. Due to the wide variety of business structures and types, no one business will need to follow all the requirements listed. Most businesses must perform the following actions in the beginning:

A. File articles or certificates of incorporations or organization with the Department of Commerce.
B. Complete the Utah State Business and Tax Registration application. This includes registering a business name with the Department of Commerce, and applying for certain state tax licenses with the Utah State Tax Commission.
C. Apply to the IRS for a Federal Employer Identification Number.
D. Apply for Worker's Compensation Insurance.
E. Check and comply with zoning requirements.
F. Check with the Department of Commerce to see if the business requires a special state license; i.e., contractors, food handling, etc.
G. Obtain Special Permits.

When a business activity requires a variance, zoning conditions or other special terms and conditions of operation, the applicant should first meet with the Board of Adjustments and/or Planning Commission to obtain any applicable license terms and conditions. Upon completion of the required requirements and license application, the applicant must go before the Town of Garden City Town Council for approval of a business license. No business shall be engaged until the license is approved and issued.

The Town Council may impose additional requirements on any Business Licensee if warranted to ensure public safety and welfare.

The Town Council also has the discretion of not requiring any business license conditions that are not needed based upon the circumstances.

(This ordinance was updated October 9, 2014)

8-110 Duty to Display License. Every licensee shall keep the business license or location permit displayed and exhibited in a conspicuous place on the business premises while the license is in force. Every licensee that does not have a fixed place of Business shall carry such license with him at all times while carrying on the Business for which the license is issued and shall produce the license for inspection when requested to do so. (Refer to 8-106B of this Ordinance).

8-111 Place of Business. Each business located within the Town of Garden City must obtain a Business License. Each license authorizes the licensee to engage only in the business licensed at the one specified location and in the manner designated in such license. A business conducting the same type of business, as initially approved, at additional locations must apply for and be approved for a Location Permit for each separate location. A Location Permit may be issued upon approval of the location for that particular type of business.

8-112 Transfer of License Prohibited. No license granted to or issued under any ordinance of the Town of Garden City shall be assigned or transferred to any other person, partnership,

corporation, or entity. A license shall not be deemed to authorize any other business, calling, trade or profession than is therein named. Any change in the name of business, modification of ownership, business type, governing board, or other information from the original license agreement shall be cause for the current license to be null and void. Under such a situation a new license must be issued. The Town Council has the option of modifications to this section for individual licenses.

8-113 Inspection of Premises. Upon the application for a business license, the Town Council may request a physical inspection of the business location and structure by a representative of the governing body, a police representative, fire department, health department, building inspector, or any other agency that is deemed necessary prior to the issuance of the business license. No license will be issued unless all required or requested inspections reveal compliance with applicable laws, ordinances and license conditions. Any inspection fees shall be paid by applicant. Existing places of business may be inspected by appropriate agencies periodically for compliance. In the event of non-compliance the licensee shall have 60 days of written notice to correct the infractions or the license will be revoked. If the infraction is a safety issue immediate action will be required and the business could be closed until the infraction is corrected. The infraction clearance must be signed off by the appropriate agency.

The business premises for each business licensed hereunder shall comply with applicable building codes and shall have adequate parking and restroom facilities as determined necessary by the Planning Commission and Town Council.

8-114 Fee Exemptions. No business license fee shall be imposed upon the following persons or businesses:

A. Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States and the State of Utah; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act.

B. Any insurance company or agent, for so long as state law exempts them.

C. Any contractor holding a valid license issued by the local jurisdiction in which the licensee has its principal place of business, and by the state under Utah Code Annotated, Part 3, Chapter 55, Title 58.

D. Any alarm company holding a valid business license issued by the local jurisdiction in which the licensee has its principal place of business.

E. An owner of a building containing two or fewer residential rental dwellings, except rentals by week, day or night;

F. Any tow truck motor carrier holding a valid business license to perform town truck service issued by the local jurisdiction in which the licensee has its principal place of business unless the tow truck business is also physically located in the Town of Garden City.

G. Any other businesses specified by the State of Utah, or United States laws not specifically detailed in this ordinance.

8-115 Permits. A license may be required to obtain a State Permit or Federal Permit. These may include but are not limited to Division of Air Quality, Division of Drinking Water, Division of Water Quality.

8-116 Compliance with the State of Utah Eliminate Alcohol Sales to Youth program. Garden City will comply with the local authority requirements as set forth in the Utah Code 32A-10-103 as it pertains a Garden City business license holder selling alcohol to underage persons.

8-117 Temporary Business License

This section of the Municipal Code facilitates the expeditious approval of a business license under Title 8 of the Municipal Code. The intent of the section is to help businesses to begin operating, where feasible, as soon as is reasonably practicable.

The Town Council reviews and approves or denies business license applications once each month in Town Council meeting. Many of the business license applications are routine in nature and do not present unusual issues that involve land use, variance, or health or safety concerns. Examples of business license applications that usually don't involve major issues include licenses for retail establishments in existing buildings, home-based businesses, and businesses that offer professional or other services in existing buildings.

Temporary business licenses may be approved to expedite the opening of such businesses when accompanied by a complete license application. A complete application packet, for example, requires completion of the steps required for approval (as may be outlined by city staff and Town Council members from time to time). No temporary business license may be issued without the approval of at least two Town Council members, or one Town Council Member and the Mayor. All temporary business licenses must be ratified in the next Town Council meeting, or denied. Absent such ratification, a business that began offering products or services on a temporary basis must immediately cease operations upon denial of a permanent business license by the Town Council.

Temporary business licenses may not be issued for any period during Raspberry Days.

(This ordinance updated May 14, 2015).

CHAPTER 8-200 Transient Merchant License

8-201 Transient Merchant: means any person who brings into temporary premises and exhibits to the public merchandise or services for the purpose of selling, or offering to sell, such merchandise or services to the public by way of tent, trailer, roadside stand, parked vehicle or other similar enclosure not attached by permanent foundation. Garden City offers 3 different Transient Merchant Licenses:

A. Transient Vendor – a transient merchant doing business within the Garden City town limits but not considered a Beach Vendor or a Special Event Vendor.
B. Beach Vendor – a transient merchant doing business within the area of the Garden City General Permit with the State of Utah Department of Natural Recourses Fire Forestry and State Lands.
C. Special Event Vendor – a transient merchant selling merchandise or offering services at any special event, i.e., marathons, etc.

8-202 Transient Merchant must obtain a License: It shall be unlawful for any person or for any agent or employee to engage in business in Garden City as a Transient Merchant without first filing an application with the Town Clerk and obtaining a license to do so.

8-203 Limitation on Transient Merchants: The Garden City Town Council has sole discretion as to the type of vendors, number of vendors and type of vendor services allowed and can limit Transient Merchants for any reason.

8-204 Transient Merchant Requirements and Cost:

A. A refundable cash deposit, of which will be used to clean or restore location of business if necessary. Any portion of deposit not used for this purpose will be returned to license holder who posted the deposit:
   1. $1,500 shall be posted with the Town Clerk prior to commencing a Transient Business, which will be forfeited and the license will be revoked upon 2nd warning.
   2. $500 shall be posted with the Town Clerk prior to commencing a Beach Business, which will be forfeited and the license will be revoked upon 2nd warning.
   3. $500 shall be posted with the Town Clerk prior to commencing a Special Event License, which will be forfeited and the license will be revoked upon 2nd warning.

B. Each Transient Merchant must file with the Utah State Tax Commission to obtain a State Tax Number, registered to Garden City, for their business located within Garden City or within the area specified by the Garden City General Permit.

C. Liability Insurance:
   1. A Transient or Beach Vendor must provide proof of liability insurance with a minimum coverage of $2,000,000.
   2. A Special Event Vendor must be listed as an insured with the Special Event Licensee or provide proof of liability insurance with a minimum coverage of $2,000,000.

D. A Transient Merchant must provide the following:

1. Transient Vendor: A letter from the property owner where the business will be located giving permission for the business to be located on their property. The business must be located within the community commercial zone.
2. Beach Vendor:
   a. A current, valid permit from the State of Utah to conduct the approved type of business on the Bear Lake Beach within the Garden City General Permit area.
   b. Must submit to a background check to include all federal, state, county, and local entities that may include but are not limited to: Corp. of Engineers, Rich County, Bear Lake County, Cache County, State of Utah DNR, BCI and other applicable agencies.
3. Special Event Vendor: Must be listed as a sub-vendor on the Special Event Permit Application.

E. Transient Merchant Licenses, of any type, will not be issued during the Garden City Raspberry Days Festival. Transient Merchants are only allowed in Garden City during the Raspberry Days Festival with a booth space rental paid in full and approved by the Raspberry Days Committee.

F. The license fee shall be as follows:
1. 10-Day Transient Vendor License: $500.00, non-refundable, for a succession period of ten (10) days or less. If the Transient Merchant does business in the City for more than a single 10-day period, then they shall be required to purchase a license for each 10-day period.
2. Beach Vendor License: $2,500 annual fee, of which $1,000 is an application fee and is non-refundable. A Beach Vendor License will only be issued to businesses being conducted on the Bear Lake Beach within the Garden City General Permit area only and shall be valid January 1, through December 31, or any part thereof. All Beach Vendor Licenses will expire on December 31 of each year.
3. Special Event Vendor License: $50 per Special Event Vendor, non-refundable, and must be paid at the time the Special Event Permit Application is turned into Garden City for approval.

G. Expedited License Fee: Any approval requiring less than 4 business days will be an additional $750.

<u>8-205 Penalty:</u> Any Transient Merchant who fails to obtain a license before doing business in Garden City or within the Garden City General Permit area shall be required to pay a license fee double the amount set forth above. Failure to pay said double fee or obtain a license shall be a Code Infraction and shall be punishable as defined in the Administrative Code Infraction Fine Schedule.

<u>8-206: Storage</u>: No property or merchandise can be stored on Garden City property or property managed by the Town of Garden City without the approval of the Town Council and as part of the Transient Merchant License process.

(This ordinance was updated April 11, 2019.)

CHAPTER 8-300 Alcoholic Beverage Control Ordinance

8-30l An Ordinance Establishing Control of Beer Retailer Licenses

8-302 Application of this Ordinance The Town of Garden City adopts the State of Utah Alcoholic Beverage Control Act, Title 32A, Utah Code Annotated, 1953 in its entirety, as amended from time to time and supplemented by these ordinances. It is the responsibility of any applicant for an alcoholic beverage license, consent or permit to be in compliance with identified conditions and requirements of state law and local ordinances prior to making application with the Town for any license. It is the obligation of each applicant and licensee, consentee or permitee to stay in compliance with state law and local ordinances regardless of changes to those laws and ordinance.

8-303 Definitions The definitions of the Utah Code 32A-1-105 are hereby adopted for use and application in this ordinance and by this reference are made a part hereof.

8-304 Alcohol License Required. It is unlawful for any person to engage in the sale of any kind of beer, liquor, or wine at retail or wholesale within the corporate limits of the Town of Garden City without first procuring a license therefore from both the Town as provided in this Ordinance and obtained, where applicable, a license from the Utah Department of Alcoholic Beverage Control. A separate license shall be required for each place of sale, which must be on display in a conspicuous place within the business.

8-305 Application for License and/or Consent to Sell Liquor and On-premises Beer Sales and for a License for the Retail Sale of Beer to be consumed Off-premises. An application for a license or consent by this local authority and an application for a license for the retail sale of beer for off-premises consumption shall be made under oath to the Town Clerk on a form approved by the Town Council of Garden City. Each application shall be forwarded, *after proper and adequate investigation*, to the Town Council for approval or disapproval.

8-306 Written Consent. The Town of Garden City may grant written consent to sell wine, liquor or on-premises beer, on a form approved by the state and the Town Council, to a person seeking a license from the Department of the Utah Alcoholic Beverage Control to sell, store, serve or consume an alcoholic beverage upon the findings of the Town Council that:

A. The applicant has completed a business license application with the Town.
B. The applicant meets all of the qualifications of the Department of Alcoholic Beverage Control.
C. The business is outside the restricted area as hereinabove described.

D. The Town Council finds that the granting of the written consent will reasonably satisfy the public demand and reasonably protect the public interest, safety and welfare.
E. Paid the required fees as provided for by resolution.

8-307 Off-premises Beer Retailer's License. An off-premises License may be granted to an applicant upon meeting all of the qualifications set forth upon the application form approved by the Town Council. An off-premises beer retailer's license shall only permit the sale of beer in the original containers to go and not in containers larger than two liters. If malt beverage coolers or malt liquor is sold by a beer retailer for off-premises consumption, the beer retailer shall display a sign on the premises where malt beverages or malt liquor is sold stating: "Many malt beverages contain alcohol. Please read the label." This license shall not permit consumption of beer on-premises.

A. All store managers are subject to a criminal background check pursuant to state standards.

B. Off-premises Beer Retailer's Licenses shall be located only within Community Commercial and Highway Commercial Zones.

C. Beer shall not be sold by a licensee to any person under the influence of intoxicating liquor, beverage or drugs.

D. No licensee shall sell, give away, dispense or deliver beer to any person under the age of twenty-one years.

E. No licensee, employee, or other person shall sell or dispense beer within the town limits of Garden City unless they are twenty-one years of age or older, unless the licensee's sales are restricted to the selling of beer for off-premises use in its original container in which case the licensee, employee, or other person selling the beer need only be 18 years of age, except any such 18, 19, or 20 year old must be supervised by a person 21 years of age or older who is on the premises at the time of sale. All employees involved in the transaction of off-premises retail beer sales will be required to possess and display a "Beer Handler's Permit" while on duty.

F. The beer license of any licensee charged with the violation of this off-premises Ordinance may be suspended by the Mayor, pending disposition of the charges.

F. Violation of this Ordinance may result in revocation of the license granted, unless compliance with these off-premises provisions are completed within two months of the time that the licensee first became aware that such violation occurred. In addition, a violation may result in penalties as provided by Utah State Statute and this ordinance.

8-308 Restrictions on Location. No alcohol license shall be granted to any business for the sale of alcohol if:

A. Such facility is located within 600 feet of any public or private school, church, public library, public playground or park as measured from the nearest entrance of a facility by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, public library, public playground, daycare businesses, child nursery school, or park; or

B. Such facility is located within 200 feet of any public or private school, church, public library, public playground, or park, measured in a straight line from the

nearest entrance of the facility to the nearest property boundary of the pubic or private school, church, public library public playground, daycare business, child nursery school, or park.

C. No alcoholic beverage license shall be granted to zones other than Community Commercial (CC); Highway Commercial; or to Recreational Residential (RR) when used in conjunction with a restaurant business.

D. No alcoholic beverage license shall be granted at a location where it may be considered an undue concentration of alcohol dispensing establishments; or where it may pose a threat to the health, peace, safety, and welfare of the public or of surrounding land uses.

E. The restrictions contained in (a) above governs unless the Town Council of Garden City finds after a full investigation by the code enforcement officer, that compliance with the distance requirements would result in peculiar and exceptional practical difficulties or exception and undue hardships. Additional circumstances may be considered and include topography, existing permanent physical barriers, sight distance, land-use issues, compatibility, travel and distance. The Town Council of Garden City may, after giving full consideration to all the attending circumstances, following a public hearing, authorize a variance from the distance requirement to relieve the difficulties or hardships. If a variance is granted the Council may impose additional restrictions upon the licensee to ensure the purpose of the intended restrictions.

8-309 Grounds for Granting, Denying, Suspending, or Revoking Licenses, Consents or Permits.

A. The following shall be considered in granting or denying a license, consent or permit:

1. Previous business or personal record, either within or outside of the Town of Garden City.

2. Criminal record of the applicant. No person shall be granted a retail license unless qualified as provided in the State of Utah Alcohol Control Act. The Town may not grant any alcohol license or consent to any person who has been convicted of:

   a. a felony under any federal or state statutes;

   b. any violation of a federal or state statutes or local ordinance concerning the sale or distribution of alcoholic beverages;

   c. any crime involving moral turpitude; or

   d. on two or more occasions within five years before the date on which the license is granted, is found guilty of driving under the influence of alcohol and/or any drug.

3. In the case of a partnership, corporation, or limited liability company, the proscription under 2 herein applies if any of the following as been convicted of any offenses described: a partner, managing agent, manager,

officer, director or stockholder who holds at least 20% of the applicant liability company.

4. The location of the facility in relation to the community; and

5. No licenses, permits or consents provided for in this Ordinance Series shall be issued to an applicant who is in arrears in the payment to the Town of Garden City for business license fees, or is otherwise indebted to the Town for past due payments owing.

B. The following are grounds for revocation or suspension of any alcohol license or

1. The licensee has failed to comply with the requirements of the Alcohol Beverage Control Act as currently in force or amended in the future, or the requirements of this Ordinance series.

2. The licensee or employees of the licensee have been convicted or plead guilty to this ordinance or any municipal, county, federal or state law or ordinance for an offense which occurred on the licensed premises; but not including violations by patrons.

C. Hearing: Before the city council shall suspend, revoke or refuse to issue or renew any license as provided in this chapter, it shall first afford the licensee, consentee or permitee an opportunity, in a hearing, to show cause as to why the license, consent or permit should not be suspended or revoked. All hearings shall be governed as follows:

1. Notice: The date, time and place of the hearing shall be fixed by the town council and notice thereof shall be personally served on the licensee, consentee, or permitee. The Town Council must take all possible steps to assure that the licensee gets the actual notice. The notice shall indicate the purpose of the hearing and the action that may be taken.

2. Procedure: At the hearing, the licensee, consentee, permitee or applicant shall have the right to appear personally and/or by counsel, to cross examine witnesses, and to produce evidence and witnesses on his/her behalf.

3. Notice of Action Taken: After such hearing and upon due deliberation the Town Council shall notify the licensee, consentee or permitee of its findings and determination.

<u>8-310 Hours of Sale or Dispensing.</u> It shall be unlawful to sell or dispense alcoholic beverages between the hours of one o'clock a.m. and five o'clock a.m.

<u>8-311 Violations of this Ordinance.</u> Any person or business who violates this ordinance or the provisions of the Utah Code that have by reference been made a part hereof shall be guilty of a class B misdemeanor, unless otherwise provided by Utah Statutes which govern the sale of

alcoholic beverages and shall be subject to denials, suspension, revocation, withholding of consent or permit.

8-312 Licenses – Non-transferable. Licenses or consents issued under this ordinance series shall not be transferred and any license fees shall be forfeited to the City upon revocation and no part is refundable.

8-313 Licenses – Expiration . Licenses issued under this chapter shall expire on December 31st of each year unless a special license issued under the Utah Alcoholic Beverage Control Act provides for a different expiration date.

8-314 Fees. All fees applicable under this ordinance shall be established by the Council of the Town of Garden City by Resolution.

(Replaced and Approved October 12, 2006)

CHAPTER 8-400 Building Regulations

8-401 An Ordinance Requiring The Licensing and Registration of Contractors and Others Doing Work Within The Corporate Limits of Garden City, Utah, And To Guarantee the Quality of Building Construction and Related Work Performed Within the Corporate Limits of Said Town.

A. It shall be unlawful for any contractor, electrician, plumber, mason or any other person or firm engaged in building trade to do any work within the corporate limits of Garden City Town in violation of the provisions of Utah Code Annotated, 1953, 58-55-301.

B. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed in violation and shall be reported to the State of Inspector.

C. The Town Council of Garden City shall adopt the current Building Codes adopted by the State of Utah.

D. Any amendments to the above codes adopted by the Utah State Division of Occupational and Professional Licensing in accordance with Utah Code 58-56-4 are also adopted for the Town of Garden City.

(Approved May 10th, 2018)

CHAPTER 8-500 Peace and Good Order Ordinance.

8-501 Prohibited Establishments. Within all districts throughout the Town of Garden City, the following activities, businesses and enterprises are hereby prohibited: rehabilitation centers,

halfway houses, X-rated movie theaters, peep shows, adult bookstores and/or adult video stores and exhibits.

8-502 Purpose. The Town of Garden City recognizes that adult use businesses have characteristics that are inconsistent with the community and residential character of Garden City. The Town further recognizes that such uses may result in the blighting and deterioration in the Town. Such activities may be detrimental to the health, welfare and well being of the residents of the Town of Garden City. There is no suitable location within the boundaries of Garden City. Any activity as described in this ordinance is strictly prohibited.

8-503 Definitions.

A. Used in this Ordinance, the following terms shall have the meanings indicated.

1. Adult Bookstore and/or Adult Video Stores. A person, establishment or business, whether retail or wholesale, trading recordings, magazines, periodicals, films, videotapes/cassettes or other viewing materials for sale or viewing on or off the premises which are distinguished or characterized by emphasis or matter depicting, describing or relating to sexual activities.

2. Adult Entertainment Use. A business establishment devoted to adult uses including adult bookstore, adult video store, adult motion picture theater, adult entertainment cabaret and peep show.

3. Commercial Establishment. A public or private establishment, including a nightclub, bar restaurant, club, go-go club or bar or other commercial establishment which permits or presents exhibition of sexual nature.

4. Exhibit. The sale of the admission to view obscene material.

5. Halfway House. Any facility private or public, which provides service, housing, security or rehabilitation for convicted felons (juvenile or adult) prior to releasing back into society.

6. Rehabilitation Center. Any facility which houses, instructs or otherwise fosters for profit, juveniles or adults with behavioral or social problems making them a threat to the community.

8-504 Obscene Material.

A. Any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prudent interest on the area or activity, or

1. Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions or lewd exhibition of the genitals;

2. Lacks serious literary, artistic, or scientific value, when taken as a whole; and

3. Is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

8-505 Obscene Film.

A. Any motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself;

1. Depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and

2. Emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest.

8-506 Specified Anatomical Area.

A. Less than completely and opaquely covered human genitals, public region, buttock or female breasts below a point immediately above the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if covered.

8-507 Specified Sexual Activity.

A. Human genitals in a state of sexual stimulation or arousal;

B. Any act of human masturbation, sexual intercourse or deviate sexual intercourse; or

C. Fondling or other erotic touching of covered or uncovered human genitals, pubic region, or buttock or female breasts.

8-508 Knowingly.

A. Having knowledge of the character and content of the material or film described herein; or

B. Having failed to exercise reasonable inspection which would disclose its character and content.

8-509 Violations and Penalties. A violation of this Ordinance shall be subject to a fine, upon conviction, of not less than $100.00 nor more than $1,000.00 for each violation and imprisonment in the county jail not to exceed 90 days, or both, as determined by a court of competent jurisdiction. Each day that a violation exists or continues shall constitute a separate offense for which the above fine and penalty may be imposed. The remedies provided herein shall be in addition to any other remedies as provided by law in a civil proceeding.

8-510 Repealer. All Ordinances or parts of Ordinances, which are inconsistent with this Ordinance, are hereby repealed.

(Approved May 13, 2004)

TITLE 8 – Regulations of Business, Chapter 600 – Short Term Rental.
CHAPTER 8-600 The rules and regulations and process contained within this title shall be known as the Short-Term Rental Ordinance.

8-601 Definitions: The following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code, and there is a contradiction as to their meaning, the definitions set forth in this section shall control the Short-Term Rental Ordinance.

A. Application shall mean the application for a Short-Term Rental License, which shall be a form, approved by the Town Council.
B. Complete Application shall mean an Application that has satisfied all of the submittal requirements set forth in this Short-Term Rental Ordinance and otherwise complies with all of the criteria required for the issuance of a Short Term Rental License.
C. Clerk shall mean the Garden City Town Clerk or Assistant Clerk.
D. Floor Plan shall mean a level-by-level plan of the Rental Property with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.
E Nightly/Short Term Rental shall mean the rental of a Dwelling Unit or a portion thereof, including a Lockout Unit for less than thirty (30) days to a single person. Nightly Rental does not include the Use of a Dwelling for Commercial Uses.
F. Owner shall mean the record titled owner of the residence for which a Short Term Rental License is sought or has been issued. The Owner may be a person or any form of business entity recognized by the State of Utah. If the Owner is a form of business entity, the business entity shall maintain current registration with the Utah Department of Commerce

G Parking Space shall mean an area with a width of not less than: 9 feet and a length of not less than 18 feet located either within designated garages, or on impermeable surfaces such as asphalt, concrete, or gravel.

H. Property or Short Term Rental Property shall mean all such residences or dwelling units used for Short Term Rental purposes.

I. Property Management Company shall mean the Owner's agent for renting the Property, if any.

J. Sleeping Area shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon. To be a valid sleeping area the sleeping area shall have appropriate exits, ceiling heights, and windows. A sleeping area shall require a minimum of 100 square feet of floor space.

K. Temporary Access Easement shall mean an easement granted to the Owner to cross over the property of another when such access is necessary to provide entry to the Property being rented. The Temporary Access Easement shall be recorded in the records of the Rich County Recorder and shall terminate on the transfer by the owner granting the Temporary Easement.

L. Town shall mean Garden City, Utah.

M. Use With Criteria shall mean the land use approval process contained in the Town's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this Short Term Rental Ordinance, the terms and conditions in the Short Term Rental Ordinance shall control.

N. Valid Objection shall mean an objection based on:
1. The Owner's objective failure to file a Complete Application; or
2. The Owner's failure to meet any of the required criteria for the issuance of a Short Term Rental License.

8-602 Licenses: To operate as a Short Term Rental, the Property Owner or Owner's Agent shall file an Application with the Clerk. An Owner's failure to meet the requirements of Section 8-600 et. al., prior to renting shall be subject to the Penalties as referred to in Section 8-614.

8-603 Requirements for Application: Short-term rentals shall be allowed in all zones except where Homeowner's Associations do not allow them. Homeowner's Associations must provide the city with a letter stating they do not allow Short-term rentals in their subdivisions along with a copy of their CCR's showing that they are clearly prohibited. The following information and documentation shall accompany the application and be provided to the Clerk:

A. Completed Application.
B. Proof of Ownership for each unit.
C. Site Plan for each unit, including the parking area.
D. Proof of valid insurance for each unit being licensed for short term rentals.
E. Proof of valid liability insurance for the following

a. Owner

b. Property management company/or any other entity

c. Contact person.

F. Floor plan.

G. Zone designation and street address for each unit.

H. If direct vehicular access from the Property to a public street is not shown on the Site Plan, the Application must include a Temporary Access Easement from the owners of each property over which vehicles must pass to access the Property. All Temporary Access Easements shall be signed and notarized by the owner or owners of the property or properties granting the Temporary Access Easements. Upon the termination of any Temporary Access Easement, it shall be the responsibility of the Owner to obtain a new Temporary Access Easement from the new property owner. Failure to obtain a replacement Temporary Access Easement shall be cause for termination of the License.

I. Copies of currently valid Town and State Sales Tax collection and accounting numbers in the name of the Owner or the Property Management Company.

J. The name, address, and contact information including a 24-hour contact phone number for the person at the Property Management Company managing the Property; or, if there is no Property Management Company, the name, address and contact information, including a 24-hour contact phone number, of a person living with 15 minutes of the property(s), who may be the Owner or Owner's Agent, and who can be contacted in the event of an emergency.

K. Inspection by the Garden City Building Inspector/Code Enforcement Officer.

L. A signed acknowledgement on the application, that the Owner, Property Management Company, and/or Owner's agent, if any, have read all of the Town's regulations pertaining to the operation of a Short Term Rental.

M. The Owner shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. If there is a Property Management Company or other agent of the Owner managing the Short Term Rental, the agent or an authorized officer of the Property Management Company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.

<u>8-604 Effective Date of License.</u> The License shall be issued by the Clerk upon approval by the Town Council, provided that:

A. The Town Council has reviewed the application, and if necessary has interviewed the applicant/owner and set requirements as stipulated by this ordinance for issuing the license, and;

B. The Council has reviewed all Valid Objections, and:

1. The Applicant/owner has addressed and corrected any violations, listed in the objection, as stipulated by this ordinance, or

2. The Town Council finds that the objection is not valid as stipulated by this ordinance.

C. All conditions of the license approval, by the Town Council, have been completed by the applicant or owner.

8-605 Fees: The application fee and annual renewal fee shall be set by resolution and will be used to offset the cost to the Town to process, administer, and monitor the operation of Short Term Rentals.

8-606 Term of License: The License shall be valid for up to one year and may be renewed annually by January 1st of each year. The License may be renewed upon the payment of the annual renewal fee unless there is a substantial change to the information contained in the application. If the license is not renewed by January 1st, it is considered to be suspended until such time the renewal process is complete.

A. Prior to May 1st: Paying the annual renewal fee and a penalty equal to the renewal fee, or
B. After May 1st: Paying $500.
C. All Short Term Rentals may be subject to a random annual inspection during checkout times and unoccupied periods.

The Owner shall amend the Application at any time there is a change in circumstances that would require an update to the information submitted by the Owner or Property Manager. By way of example, and not limitation, a change in circumstance would be: a change of ownership of the Property, any modification to the physical premises, including any changes to the Floor Plan, Site Plan, or number of sleeping area; any change of the Property Management Company; or any change in the 24-hour contact information. At the time of renewal, the Owner, Property Management Company, or Owner's agent shall specify the number of ordinance violations incurred within the preceding 12-month period, together with any other convictions for conduct described in section 8-612 of this Ordinance.

8-607 Additional Criteria:

A. Sleeping area will be designated in the application packet,-based on the square footage of the allowable sleeping area, and shall be required as part of the License application and approval process.
B. There shall be at least one parking space on the Property for every four (4) occupants as a condition of the License. Parking shall be based on the total number of occupants the unit is licensed for. All parking spaces shown on the Site Plan shall be available for parking and shall not be blocked or otherwise unavailable due to the storage of materials or for any other reasons. All vehicles shall be parked on the Property and shall not be parked on any adjacent property or public right-of-way's. Vehicles including all motorized vehicles and such vehicle's trailers, RV's, boats, motor-homes, etc. shall be parked in license's designated parking areas. Each trailer parked at a licensed property shall be considered a vehicle.
C. The occupancy or number of guests shall not exceed two (2) persons per 100 square feet of sleeping area. The maximum number of occupancy shall not include children under the age of three (3). Any advertising of occupancy over the allowed number by the license shall be subject to fines as set in the Garden City Code Infraction Schedule.
D. The Owner or Property Management Company, or Owner's agent shall:
    1. Mail or provide directly to the party signing any rental agreement or reserving the Property a copy of all Short Term Rental rules and regulations as soon as possible, but no later than 10 days after reserving the Property; and

2. Prominently display, on the Property, all of the rules and regulations pertaining to Short Term Rentals.
3. Collect appropriate Sales, Resort, and Transient Rental Taxes.

E. Each Short Term Rental shall have a clearly visible and legible notice within the unit, on or adjacent to the front door, containing the following information:
   1. The name of the Property Management Company, agent, and/or Property Owner, living within 15 minutes of the property(s), the contact person's telephone number who may be reached on a 24 hour basis;
   2. The maximum number of occupants permitted by the license;
   3. The maximum number of vehicles permitted on the property and that all vehicles must be parked on the Property;
   4. The number and location of all on-site parking spaces and the parking rules for seasonal snow removal;

F. The trash pick-up day and notification of all rules and regulations regarding trash removal, including without limitation, when trash may be left out and that animal-roof containers shall be used for all trash.

8-608 Prohibited Activities

A. Occupancy beyond the specified number allowed in the License,
B. Parking of vehicles not in compliance 'with section 607 B of this ordinance.
C. Outdoor sleeping of individual(s), which exceeds the occupancy permitted.
D. Any unauthorized commercial activities.
E. The preparation of any food on site for persons other than the allowed occupants and such occupant's allowed guests;

8-609 Management Standards: The short-term rental property authorized by this ordinance must be managed properly. As a condition to holding a valid short-term rental license, the licensee agrees to provide or arrange to provide for adequate maintenance. The minimum services required and management regulations include:

A. Structural maintenance to preserve substantial code compliance as described herein.
B. Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance of adjoining or nearby properties.
C. Trash collection which insures that trash containers are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free of all accumulated garbage, refuse, and weeds. All large boxes must be collapsed and trash bagged and placed in the appropriate receptacles.

8-610 Inspection: If the Town has reasonable grounds to believe that prohibited activities are occurring at the Property, the Town may require an inspection of the Property without advanced notice to the Owner, Property Management Company, agent, or local contact person of the Owner.

8-611 Violations and Penalties:

A. Any person not in compliance with the provisions of this Chapter shall be in violation, which may result in the imposition of an administrative fine. The fines are set by resolution for the Town Council and listed on the Administrative Code Infraction Schedule.
Any unpaid fines after a period of 30 days shall result in re-vocation of license. Revocation or denial of a license may result in a 24-month suspension, at the same location of license.

8-612 Procedure for Imposition of Penalties for Violations of this chapter
After investigation, by the Town Ordinance Enforcement Officer, if there exists probable cause to proceed with a complaint, the Owner, Property Management Company, or other agent of Owner may be summoned to a hearing before the Town Administrative Judge to answer charges concerning any issued citation. The standard of proof for any such violations under this Ordinance shall be a preponderance of the evidence and shall result, upon the Administrative Judge's finding that a violation has occurred, in an administrative penalty.

8-613 Revocation: Show Cause Hearing: Upon the occurrence of any of the following, the Town's Administrative Judge shall schedule a hearing requiring the Owner, Property Management Company, or other agent of Owner to show cause why the License should not be revoked or why one of the following penalties should not be imposed:

A. The imposition of an administrative civil penalty for a fourth violation of sections 8-608 within any proceeding 12-month period;
B. At any time or at an annual renewal, any combination of an administrative civil penalties and or ordinance violations an Owner, Property Management Company, or Owner's agent has been cited for concerning such person's or entities short term rental license compliance is sufficient to warrant a show cause hearing on whether such license should be renewed or revoked.
C. A show cause hearing for whether a Short Term Rental License should be renewed or revoked shall be conducted by the Town, Council. If, after a hearing, the Administrative Judge determines the Short term Rental Property was, is, or has been operated in violation of the Town's Ordinances, public health and safety regulation, or in any other manner that is more detrimental to the existing neighborhood character than it has been beneficial to the community in fostering its resort, business, and economic base, then the License shall be suspended for such period as determined by the Town Council. The Administrative Judge may also revoke an existing license or deny the renewal of a License. Upon revocation or denial of renewal of a license, an Owner may not reapply for a Short Term Rental License at the same location for a period of 24 months following revocation or non-renewal.

8-614. Operating a Short Term Rental without a License: Any Person violating the provisions of this Chapter by conducting Short Term Rental(s) without a valid License shall be in violation, which may result in the imposition of a civil fine, which fine is set by resolution of the Town Council. The Property Owner of a Short Term Rental found to have violated this Chapter, shall not be eligible for a Short Term Rental License for a period of 24 months following a determination that this Chapter was violated.

8-615 Discovery of an Immediate Health Hazard. Upon the discovery of an immediate health hazard to renters, the Code Enforcement Officer can suspend the Short Term Rental License until the hazard is remedied and the property has been inspected.

8-616 Temporary Business License.
This section of the Municipal Code facilitates the expeditious approval of a short term rental license under Title 8 of the Municipal Code. The intent of the section is to help a short term rental to begin operating, where feasible, as soon as is reasonably practicable.

The Town Council reviews and approves or denies short term rental license applications once each month in Town Council meeting. Many of these short term rental license applications are routine in nature and do not present unusual issues that involve land use, variance, or health or safety concerns.

Temporary short term rental licenses may be approved to expedite the opening of business when accompanied by a complete license application. A complete application packet, for example, requires completion of the steps required for approval of the short term rental license (as may be outlined by city staff and Town Council members from time to time). No temporary business license may be issued without the approval of at least two Town Council members, or one Town Council Member and the Mayor. All temporary short term rental licenses must be ratified in the next Town Council meeting, or denied. Absent such ratification, a short term rental that began offering lodging on a temporary basis must immediately cease operations upon denial of a permanent short term rental license by the Town Council.

(This ordinance was updated, March 14, 2019)

CHAPTER 8-700 Beach Use within the Garden City General Permit Area

8-700 Beach Use within the Garden City General Permit Area. This ordinance will regulate the public use of the beach within the Garden City General Permit Area.

A. Camping on the Beach. It is unlawful to camp overnight on the beach. This includes tents, and Recreational Vehicles as described in 11A-200-112.
B. Abandonment of canopies, trailers, beach equipment, etc. on the beach. It shall be unlawful to abandon canopies, trailers or any type of beach equipment on the beach for the purpose of saving an area to return to later. A person must be present at all times when any type of beach equipment, canopy, trailer, etc. is set up on the beach within the Garden City General Permit Area.
C. Travel and Parking on the Beach, within the Garden City General Permit area, shall comply with the State of Utah restrictions.

(Approved June 11, 2015)

CHAPTER 8-800 Concessionaire License

8-801 Concessionaire: an individual, partnership, corporation, or other recognized organization, providing temporary services or sales of goods or merchandise for conducting commercial activity at the Garden City Park, located at 400 S. Bear Lake Blvd.

8-802 It shall be unlawful for any individual, partnership, corporation, or other recognized organization to engage in a concessionaire type business without first filing an application with the Town Clerk and obtaining a license to do so.

8-803 The requirements and cost for a license for a Concessionaire shall be as follows:

1. A $1,500 refundable cash deposit, of which will be used to clean or restore location of business if necessary. Any portion of deposit not used for this purpose will be returned to license holder who posted the deposit. The refundable cash deposit will be forfeited after 3 warnings and the concessionaire license will be revoked.
2. A Concessionaire must file with the Utah State Tax Commission to obtain a State Tax Number, registered to Garden, for their business located within Garden City.
3. A Concessionaire must provide proof of liability insurance with a minimum coverage of $1,000,000.
4. A Concessionaire must receive approval from the Town Council as to the location of the business on city owned property.
5. The license fee shall be set by resolution

8-804 The Term of this license will be as follows:

1. First Year: Date of approval of license through December 31.
2. Each consecutive year January 1 through December 31 upon paid renewal fee**.** All Concessionaire Business Licenses must be approved annually by the Town Council.

8-805 Penalty: Any Concessionaire who fails to obtain a license before doing business in Garden City shall be required to pay a license fee double the amount set forth above. Failure to pay said double fee or obtain a license shall be a Code Infraction and shall be punishable as defined in the Administrative Code Infraction Fine Schedule.

Chapter 8-900 Suspension or Revocation **of Business License, Transient Merchant License, Alcoholic Beverage License, Peace and Good Order License, Short Term Rental License, or Concessionaire License hereinafter referred to Business License.**

8-901 Suspension or revocation of "Business License". Upon receipt of a report of violation of the licensing provisions of this title an existing "Business License" may be suspended or revoked for any of the following reasons:

A. The license does not meet the qualifications for a license as provided under this Title;
B. False or incomplete information was given on an application;
C. The licensee has violated or is violating any provision of this Title or provision of the Municipal Code, State or federal statutes or regulations, including provisions pertaining to safety or health department rules and regulations governing the licensee's business;

D. The licensee has obtained or aided another person to obtain a license by fraud or deceit;
E. The licensee has failed to pay any taxes or fees to the Town when due;
F. The licensee has refused authorized representatives of the Town access to the licensed premises for the purpose of an inspection or has interfered with such representatives while in the performance of their duty in making such inspection.
G. The licensee is not complying with a requirement or condition set by the: Planning Commission under a conditional use permit; by the Board of Adjustment in granting a variance or special exception; by the Town Council; or by agreement;
H. The provisions herein apply to any violation of this Title by the agents or employees of a licensee and violation of any other laws by the agents or employees committed while acting as an agent or employee of the licensee.
I. Any other reason expressly provided for by ordinance.

8-902 Procedure for Suspension or Revocation. The "Business License" Official shall cause written notice to be given by personal service or registered mail to the licensee at the licensee's business address including his or her decision to suspend or revoke a license, the reason for such decision, that operation of a business after the effective date of the suspension or revocation may result in a citation, the licensee's right to appeal the "Business License" Official's decision, and the appeal procedure.

8-903 Appeal Procedure. Any adversely affected applicant or licensee may appeal a decision of the "Business License" Official to deny, suspend or revoke a "Business License" by filing a written notice of appeal with the Town Clerk within fifteen (15) days of receipt of the notice of denial, suspension or revocation.

A. The notice of appeal shall be in writing and shall set forth with specificity the grounds and reasons for which the appeal is taken.
B. The appeal before the Town Council shall be considered an administrative proceeding.
C. An administrative proceeding may not be held for a civil violation that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding.

8-904 Administrative Proceeding. The administrative proceeding shall be considered a public meeting.

A. The administrative proceeding shall provide due process for the parties, including, but not limited to, a meeting with notice and an opportunity to be heard.
B. The administrative proceeding shall be recorded or otherwise documented so that a true and correct transcript may be made of its proceedings.
C. The Mayor shall set the date, time and place for the administrative proceeding, which shall be scheduled as soon as reasonably possible and reasonable notice of the same shall be provided to the appellant.

D. At the administrative proceeding, the "Business License" Official or his or her designee shall present the reasons for the decision to deny, suspend or revoke the license.
E. The applicant or licensee, in person or through his or her designee may then present any evidence showing reason why the decision was in error.
F. The Town Council does not have the authority to waive compliance with applicable provisions of Chapter 8, nor can the Town Council change the substance or form of the Municipal Code as a part of making an administrative proceeding decision.

8-905 Decision of the Town Council. The Town Council, after hearing all the evidence, shall make a final administrative determination on whether the business license is to be continued or revoked based on the record presented in the administrative proceeding. The Town Council may affirm, reverse or modify the decision of the "Business License" Official. The Town council's final determination shall be issued in writing within fifteen (15) business days from the date of the meeting. The Town Council's final determination shall include written findings of fact and an order or decision.

8-906 Appeal of Town Council Decision. If the Town Council's final determination makes a finding of a violation of this Title, any person adversely affected by the determination may petition to the Appeal Authority for review of the administrative determination. In the petition to the Appeal Authority, the petitioner may only allege that the administrative proceeding's decisions was arbitrary, capricious or illegal. A petition to the Appeal Authority is barred unless it is filed within thirty (30) days after the administrative determination is final. The Town Council shall transmit to the Appeal Authority the record of its proceedings, including its findings, order, and a true and correct transcript of its proceedings. The Appeal Authority may not accept or consider any evidence that is not included in the administrative proceeding's record unless the evidence was offered to the administrative proceedings and the Appeals Authority determined that the evidence was improperly excluded during the administrative proceeding.

8-907 Licensing After Revocation. A person, whose license has been revoked, may not be issued a license for a period of twelve (12) months after revocation.

8-908 Validity of "Business License" During Appeal. Throughout the administrative proceedings as outlined above, a licensee holding a suspended or revoked "Business License" may continue to operate his or her business in accordance with federal, State and local laws pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.

TITLE 8-1000 – Food Truck Regulations

CHAPTER 8-1000 The rules and regulations and process contained within this title shall be known as the Food Truck Ordinance.

8-1000 – Food Truck

8-1001 – Definitions

A. Food Truck means a fully encased food service establishment:
   1. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
   2. From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells or services food or beverages for immediate human consumption.
B. Food Truck does not include the sale of any products other than food or beverages for human consumption.
C. Food Truck does not include the sale of any alcoholic beverage.
D. Food Truck does not include a food cart or an ice cream truck.
E. Food Truck Operator means a person who owns, manages, or controls, or who has the duty to manage or control the operation of a food truck.
F. Food Truck Vendor means a person who sells, cooks, or serves food or beverages from a food truck.
G. Food cart means a cart:
   1. This is not motorized; and
   2. That is a vendor, standing outside the frame of the cart, used to prepare, sell, or serve food or beverages for immediate human consumption.
H. Health Department food truck permit means a document that a local health department issues to authorize a person to operate a food truck within the jurisdiction of the local health department.
I. Ice Cream truck means a fully encased food service establishment;
   1. On a motor vehicle or on a trailer that a motor vehicle pulls to transport;
   2. From which a vendor, from within the frame of the vehicle, serves ice cream.
   3. That attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
   4. That may stop to serve ice cream at the signal of a patron.

8-1002 – Food Truck Location. The location on either 1) private property; or 2) public property where one or more Food Trucks may park and sell product during a special event approved by the Mayor.

8-1003 – Food Truck License.

A. License and Inspection. It shall be unlawful for any person to operate a Food Truck within Garden City without the following:
   1. A business license issued in accordance with Chapter 8-100 of the Garden City Code;
   2. A current annual food truck permit from Bear River Health Department in accordance with Utah Code Ann. 11-56-104.
   3. A current Garden City Fire inspection permit.
   4. A sales tax number to report all sales occurring within Garden City.
B. Reciprocal Food Truck License. Notwithstanding Paragraph A above, Garden City shall grant a business license to a Food Truck Operator who has the following:
   1. A current Business License granted in another political subdivision within the state;

2. A current health department food truck permit from a local health department within the state; and
3. A current approval of a political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Utah State Code Subsection 11-56-104 (4) (1);
4. A temporary sales tax number to report all sales occurring within Garden City as per Utah State Tax Commission.
   Notwithstanding the provisions of Chapter 8-100 of the Garden City Code, in the event a business license from Garden City is issued pursuant to the provisions of this paragraph, the Garden City business license shall expire on the same date and time as the business license from the other political subdivision used to qualify for reciprocity under this paragraph.

C. Food Truck Operator shall obtain a License: It shall be unlawful for any person or for any agent or employee to engage in business in Garden City as a Food Truck Operator without first filing an application with the Town Clerk and obtaining a license to do so. All Food Truck license applications shall be approved by the Mayor or Council Person over Business Licenses in his absence.

D. Private property owners. Food truck vendors shall obtain a letter from the property owner where the business will be located giving permission for the business to be located on their property. The Food Truck must be located within the Food Truck Zone as listed in the Municipal Code. This letter must be turned in with the application.

E. License Expiration. All Food Truck licenses will expire on December 31 of each year.

8-1004 – Penalty; Any Food Truck Operator who fails to obtain a license before doing business in Garden City shall be required to pay a license fee double the amount set forth in resolution. Failure to pay said double fee or obtain a license shall be a Code Infraction and shall be punishable as defined in the Administrative Code Infraction Fine Schedule.

8-1005 – Storage; No property or merchandise can be stored on Garden City property or property managed by the Town of Garden City without the approval of the Town Council and as part of the Food Truck License process.

(Approved April 11, 2019)

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TITLE 9 – FIRE, HEALTH, SAFETY AND WELFARE

CHAPTER 9-100 Fires - Department - Code.

CHAPTER 9-200 Health

CHAPTER 9-300 Nuisances.

9-301 Nuisance define. Whatever is dangerous or injurious to human life or health and whatever renders soil, air, water or food impure or unwholesome; and whatever annoys, injures or endangers the comfort, repose, health and safety of any persons; or offends public decency; or unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage any lake, stream, canal or basin or any public park, square, street or highway; or in any way renders any persons insecure in life or use of property are declared to be nuisances. It shall be unlawful for any person, either as owner, agent or occupant to create or aid in the creation or contributing to or to maintain or aid in maintaining a nuisance.

9-302 Odorous materials, etc. It shall be unlawful for any person, conductor, firm or corporation to haul or convey any odorous or offensive matter along or upon that portion of the main highways within the city limits of Garden City. It shall be unlawful to permit any truck, trailer, or other odorous or offensive matter to stand upon any street, yard or premises within any commercial or residential district in Garden City.

9-303 Hauling manure, etc. in street. All persons hauling or conveying any manure or other highly odorous or offensive matter along or upon any street or street of Garden City shall haul or convey the same in a sealed box or receptacle and prevent the same from being spilled or scattered upon or along said street; and all persons so hauling any such manure or other offensive matter upon or along said streets shall, while driving any conveyance, either empty or loaded, that is used for hauling of the same, travel along upon the said street without stopping or permitting said conveyance loaded or unloaded to stand upon said street, except for stops required by traffic signs.

9-304 Author of nuisance defined. When a nuisance exists upon property and is the outgrowth of the usual, natural, necessary use of the property, the landlord thereof or his agent, the tenant or his agent and all other persons having control or supervision of the property on which said nuisance exists shall be deemed to be the author hereof and shall be equally liable therefore; but where any such nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof.

9-305 Unlawful to Fly Closer Than 1,000 Feet. It shall be unlawful for any operator of any airplane, aircraft or helicopter to fly or operate the same closer than 1,000 feet to the ground surface within the corporate limits or above the corporate limits of Garden City, or to do any stunt, acrobatic, or other dangerous flying within or above said corporate limits.

A. Exceptions
   1. County sponsored mosquito program
   2. Life Flight
   3. By Special Permission of the Garden City Town Council

Any violation of this section shall receive a penalty according to resolution by the Town Council.

CHAPTER 9-400 Garbage and Litter.

9-401 Definition. For purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them in this section.

A. Person shall mean any institution, public or private corporation, individual, partnership or other entity.
B. Premises shall mean land, buildings, or other structures, vehicles, or parts thereof, upon or in which refuse is stored.
C. Refuse shall mean wastes of a community, including garbage, ashes, rubbish, dead animals, street cleaning, and solid market, and industrial wastes, but not including body wastes.
D. Gallons shall mean the capacity in gallons of a refuse or garbage container, it being contemplated that an ordinary refuse container shall have a capacity of approximately twenty (20) gallons.
E. Municipality shall mean the Municipality of the Town of Garden City, Utah.
F. Board shall mean the governing body of the Town of Garden City.
G. Responsible authority shall mean the legally designated authority of the municipality who shall be authorized and directed to implement and enforce the provisions of this Ordinance.

9-402 Functions of responsible authority. The responsible authority of the municipality in order to protect the health and safety of the people of this municipality is authorized and directed, by implementing and enforcing the provisions of this Ordinance, to control the storage, collection, and disposal of refuse within the municipality, to provide a public refuse collection and refuse disposal service from premises within the municipality, so that the type of and usual quantity of refuse can be safely and expeditiously handled by such public refuse collection and disposal services, and to approve and regulate the establishment, maintenance and operation of private refuse disposal methods.

9-403 Funds-appropriations, borrowing, other means.

A. The board of the municipality is authorized to enter into contracts for such duration, as in the judgment of the said Board is deemed necessary, with Rich County, a body politic of the State of Utah, to provide for the collection and disposal of refuse.
B. For the purpose of financing the establishment, maintenance and operation of a refuse collection system or refuse disposal methods and sites, a refuse service fee may be established.
C. The owner and occupant of lands located in the municipality is hereby determined to be liable for the payment of said service fee.

9-404 Permits. It shall be unlawful for any person who does not possess a valid permit from the responsible authority in addition to any business license required by the municipality to engage

in permits for such applicants; provided, that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this ordinance; and provide further, that no permit shall be required of any agency acting under contract with Rich County to serve the municipality; and provided further, that no permit shall be issued to any applicant who intends to collect and dispose of refuse generated from some source other than itself.

9-405 Prohibitions, private responsibility.

A. The owner or his agent or the occupant of any premises within the municipality shall be responsible for the sanitary condition of the premises occupied by him; and it shall be unlawful for any person to place, deposit, or allow to be placed or deposited on his premises any refuse, except as designated by the terms of this Ordinance. It shall be unlawful to place or deposit refuse on another person's premises.

9-406 Enforcement, service of notices and orders, hearings.

A. Whenever the responsible authority has determined that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, it shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

1. be put in writing;
2. include a statement of the reasons why it is being issued;
3. allow a reasonable time for the performance of any act it requires, but not to exceed 30 days.
4. be served upon any person responsible for the alleged violation, including but not limited to the owner or his agent or the occupant of any premises within the municipality; provided that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.
5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
6. state that unless conditions or practices described in such notice which violate this Ordinance are corrected within the reasonable time specified in such notice, the violator may be punished in accordance with the provisions of this Ordinance, or a permit which has been issued pursuant to this Ordinance may be suspended or revoked. Cost of removal to be added to tax roll if violations are not corrected in a timely manner.

Upon receipt of the itemized statement of the cost of destroying, abating or removing such weeds, refuse, garbage, objects or structures, the County Treasurer shall forthwith mail one copy to the owner of the land from which the same were removed or abated, together with a notice stating that

objections to the whole or any part of the statement so filed may be made, in writing, within thirty (30) days to the Board of County Commissioners. If objections to any statement are filed with the County Commissioners, the Commissioners shall set a date for hearing, giving notice thereof, and upon the hearing, fix and determine the actual cost of removing or abating the weeds, garbage, refuse or unsightly or deleterious objects or structures, and report their findings to the County Treasurer. If no objections to the items of the account so filed are made within thirty (30) days of the date of mailing such itemized statement, the County Treasurer shall enter the amount of such statement on the assessment roles of the County in the column prepared for that purpose, and likewise within ten (10) days from the date of the action of the Board of County Commissioners upon objections filed shall enter in the prepared column of the tax rolls the amount found by the Board of County Commissioners as the cost of abating or removing and destroying the said weeds, refuse, garbage or unsightly and deleterious objects or structures. If current tax notices have been mailed, said taxes may be carried over on the rolls to the following year. After entry by the County Treasurer of the costs of abating or removing weeds, garbage, refuse, or unsightly and deleterious objects or structure, the amount so entered shall have the force and effect of a valid judgment of the District Court, and shall be a lien upon the lands where the weeds, refuse, garbage or unsightly and deleterious objects or structures were removed and destroyed or abated and shall be collected by the County Treasurer at the time of payment of general taxes. Upon payment thereof, receipt shall be acknowledged upon the general tax received issued by the Treasurer.

B. If the corrective action ordered by the responsible authority under this Ordinance has not been taken within ten (10) days after such decision or order thereof, the responsible authority shall give notice that the Board shall hear the matter. Notice of the hearing shall be given by personal service, by leaving a copy at the residence or place of business of the person not complying with anyone at such address who is over the age of fourteen (14) years and by mailing a copy of the notice to the last known address of the person not complying with the order.

C. Hearing by the Board. At the time set for the hearing by the responsible authority, the Board shall hear the matter and receive evidence and determine what corrective action is required, if any. The decision of the Board shall be in writing and a copy mailed to the person not complying.

D. Any person who does not comply with the decision of the Board shall be guilty of a misdemeanor and punished as provided in UCA 76-3301. The Board may order the responsible authority to take the corrective action required if the person who does not comply fails to do so and a court action shall be commenced against such person for any costs incurred by the responsible authority.

E. Whenever the responsible authority finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, it may without notice or hearing issue a written order reciting the existence of such an emergency and the conditions violating this Ordinance which require corrective action to remove such health hazard. If such corrective action is not taken, the responsible authority may take the action including the abatement of any nuisance as may be necessary to protect the public health. Notwithstanding other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Board shall be afforded a hearing as soon as possible, but in any case not later than three (3) days after the petition as filed. After such hearing depending upon the findings of the Board as to whether or not the provisions of this Ordinance and of the regulations adopted pursuant thereto have been complied with the Board shall continue such order in effect, or modify it revoke it.

9-407 Inspection. The responsible authority, after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this ordinance and, where necessary, shall obtain a search warrant from a court having jurisdiction.

9-408 Refuse acceptable for collection by the responsible authority. The following refuse shall be considered to be acceptable for collection by the responsible authority:

A. Garbage. Petrescrible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of foods.
B. Ashes. The residue from the burning of wood, coal, coke, or other combustible materials which are not hot or live.
C. Rubbish. Nonpetrescrible solid wastes, excluding ashes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals, and similar materials.
D. Dead animals. No dead animals are allowed in the dumpsters.

9-409 Refuse not acceptable for collection by the responsible authority. The following refuse shall be considered to be not acceptable for collection by the responsible authority:

A. Dangerous materials or substances, such as poisons, acids, caustics, infected materials and explosives.
B. Unusual quantities of materials resulting from the repair, excavation or construction of buildings or structures such as earth, plaster, mortar, rocks and roofing material.
C. Materials which have not been prepared for collection in accordance with these regulations.
D. The solid wastes resulting from industrial processes.
E. Burned refuse.
F. Dead Animals.

G. Any other material, which in the judgment of the responsible authority is dangerous to equipment or unfeasible to handle.

9-410 Refuse storage

A. Garbage shall be drained and wrapped.
B. Bulky rubbish such as trees, noxious weeds, and large cardboard boxes may be bundled so as not to exceed four (4) feet in length nor fifty (50) pounds in weight.
C. All other refuse shall be stored in durable metal, watertight and easily washable containers, which have close-fitting lids and adequate handles to facilitate collection or in two-ply fifty (50) pound, water-proof bags. Such containers shall be of not less than ten (10) gallons nor more than thirty (30) gallons in capacity for businesses and shall not be filled in excess of one hundred (100) pounds of weight unless the collection vehicle is equipped to mechanically empty larger containers, in which case the maximum size of containers shall be determined by the mechanical equipment on the vehicle.
D. It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the responsible authority in accordance with the specification contained in this section.
E. Ashes containing hot embers shall not be placed in containers for collection.

9-411 Refuse collection places to be served by the responsible authority. The responsible authority shall collect all refuse acceptable for collection as provided in Section 8 of this Ordinance from all family or apartment dwellings and institutions, business and industrial establishments.

9-412 Frequency of collection.

A. All household refuse shall be collected by the responsible authority at least once per week.
B. All institutional, business and industrial refuse shall be collected by the responsible authority at least once per week.
C. Additional frequency of collection may be ordered by the responsible authority in order to avoid undue accumulations of refuse, to prevent nuisance and/or to control insect and/or rodent breeding and harborage.
D. Collections shall not be made on holidays specified by the responsible authority.

9-413 Place of Collection. All household refuse to be collected by the responsible authority shall be placed on the curb in front of the residence or next to the road way designated by the responsible authority according to the schedule as established at such time and place as shall be designated by the responsible authority. Trash receptacles are allowed to be placed one day prior to the day of collection and must be removed from road way no more than one day after collection. Trash receptacles left on street longer than one day prior to pick-up to one day after being emptied shall be subject to a fine as set by resolution in the Garden City Administrative Code Fine Schedule.

Approved September 13, 2012

9-414 Refuse Disposal.

A. All disposal of refuse shall be by a method or methods in accordance with requirements of state and local law and shall include the maximum practicable rodent, insect and nuisance control at the place or places of disposal.
B. Animal offal and carcasses of dead animals shall be buried or cremated or rendered as directed by the responsible authority.
C. It shall be unlawful for any person, except those authorized by the municipality to regularly haul or transport refuse upon the streets and public ways of said municipality.
D. It shall be unlawful for any person intentionally or carelessly to throw, cast, put into, drop or permit to fall from a vehicle and remain in any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings or rubbish of any kind or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon.
E. It shall be unlawful for any person to burn papers, boxes, dry rubbish or similar materials except as permitted by the responsible authority and controlled so as not to create a smoke or odor nuisance. Hours of burning will be regulated and posted by the responsible authority.
F. It shall be unlawful for any owner, occupant or tenant of any premises abutting on alleyways to fail to keep such part of said alleyway or said premises clean and free from refuse of all kinds.

9-415 Equipment.

A. All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provisions for covering the body.
B. Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect-breeding and shall be maintained in good repair.

9-416 Penalties Litter Control. An ordinance to establish requirements to control littering in the Town of Garden City, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

A. Definitions: For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in

the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Litter – any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
2. Litter Receptacle – a container suitable for the depositing of litter.
3. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

B. Prohibited acts and regulated activities.

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

C. PENALTY. The fine for any violation of this Ordinance shall be set by resolution in the Town of Garden City Administrative Code Infraction Fine Schedule. The second offense of this ordinance will be punishable by double the amount set by the Town of Garden City Administrative Code Infraction. Each subsequent offense will be punishable at double the previous amount set by the Town of Garden City Administrative Code Infraction.

9-417 Conflicting Ordinances. All other ordinances of the Town of Garden City that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

9-418 Severability Clause. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

CHAPTER 9-500 Abatement of Garbage and Other Deleterious Material.

9-501 Disposal Required Every owner or occupant of any structure, lot or property within Garden City shall have the obligation to properly dispose of and keep those premises free from refuse, including garbage, trash and debris, junked or inoperable vehicles and equipment,

flammable materials (as defined in the International Fire Code), noxious weeds, or any deleterious or unsightly material, objects or structures.

9-502 Ordinance Officer It shall be the duty of the Code Enforcement Officer or a Town Council Member/Mayor to act as the inspector for the purpose of enforcing this ordinance.

9-503 Notice to Property Owners Under the authority of UCA 10-11-2 and this ordinance, it shall be the duty of the Building Inspector to make careful examination and investigation of the Town to determine which properties, if any, are not in compliance with Section 9-501 of this ordinance. The inspector shall ascertain the names of the owners and descriptions of properties not in compliance with Section 9-501 of this ordinance and serve notice either personally or by mail, postage prepaid, to owners and the records of the water department or the address assigned to the property for occupants. Notice shall also be posted upon the property. The notice shall require the owner or occupant to eradicate, remove, destroy or to abate the condition within such time as designated by the Town Inspector, but in no case less than ten (10) days from the date of service of such notice. The inspector shall make proof of service of such notice under oath and file the same with the Town Recorder. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth for that year.

9-504 Neglect of Property Owners If any owner or occupant of lands described in such notice shall fail or neglect to eradicate, remove, destroy or abate such refuse, garbage, trash, debris, junked or abandoned vehicles and equipment, flammable materials, noxious weeds, deleterious or unsightly material, objects or structures in accordance with such notice the owner or occupant shall be guilty of a Class B misdemeanor, and the inspector may, at the expense of the Town, employ necessary assistance and cause such weeds, garbage, refuse or deleterious objects to be removed or destroyed. He/She shall prepare an itemized statement of all expenses incurred in the removal and destruction of same, and shall mail a copy thereof to the owner, demanding payment within twenty (20) days of the date of the mailing. Such notice shall be deemed delivered when mailed by registered mail addressed to the property owners and tenants last known address and posted on the property. In the event the owner fails to make payment of the amount set forth in the statement to the Town Clerk within twenty (20) days, the inspector, on behalf of the Town, may cause suit to be brought in an appropriate court of law or may refer the matter to the Rich County Treasurer as provided in this ordinance. In the event collections of costs are pursued through the courts, the Town may execute on any judgment in the manner provided by law. In the event that the Town inspector elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the Town inspector shall make, in triplicate, an itemized statement of all expenses incurred in the removal and destruction of the same, and shall deliver the three (3) copies of the statement to the County Treasurer together with an affidavit stating the owner and occupant were served notice to eradicate, abate or destroy and remove the weeds, garbage, refuse, and objects within ten (10) days after completion of the work of removing such weeds, garbage, refuse, objects or structures.

9-505 Cost of Removal Included in Tax Notice Upon receipt of the itemized statement of the cost of destroying, abating or removing such weeds, refuse, garbage, objects or structures, the County Treasurer shall forthwith mail one copy to the owner of the land from which the same were removed or abated, together with a notice stating that objections to the whole or any part of

the statement so filed may be made, in writing, within thirty (30) days to the Board of County Commissioners. If objections to any statement are filed with the County Commissioners, the Commissioners shall set a date for hearing, giving notice thereof, and upon the hearing, fix and determine the actual cost of removing or abating the weeds, garbage, refuse or unsightly or deleterious objects or structures, and report their findings to the County Treasurer. If no objections to the items of the account so filed are made within thirty (30) days of the date of mailing such itemized statement, the County Treasurer shall enter the amount of such statement on the assessment roles of the County in the column prepared for that purpose, and likewise within ten (10) days from the date of the action of the Board of County Commissioners upon objections filed shall enter in the prepared column of the tax rolls the amount found by the Board of County Commissioners as the cost of abating or removing and destroying the said weeds, refuse, garbage or unsightly and deleterious objects or structures. If current tax notices have been mailed, said taxes may be carried over on the rolls to the following year. After entry by the County Treasurer of the costs of abating or removing weeds, garbage, refuse, or unsightly and deleterious objects or structure, the amount so entered shall have the force and effect of a valid judgment of the District Court, and shall be a lien upon the lands where the weeds, refuse, garbage or unsightly and deleterious objects or structures were removed and destroyed or abated and shall be collected by the County Treasurer at the time of payment of general taxes. Upon payment thereof, receipt shall be acknowledged upon the general tax received issued by the Treasurer.

Approved April 10th, 2014

Chapter 9-600 – Life Safety

9-601 Definition. For the purpose of this ordinance, the following words and phrases shall have the meaning ascribed to them in this section.

A. Commercial Business – See 8-102
B. Short Term Rental (STR) – See 8-601.E
C. Total Living Space – Habitable space in a structure including all floors and habitable attic spaces as defined in the latest adopted edition of the IBC or IRC.

9-602 Purpose: Hazards such as fire and carbon monoxide can cause harm, serious injury or even death to occupants. The purpose of these requirements is to prevent these hazards from occurring to residents, visitors or emergency response teams who occupy or enter structures in the Town.

9-603 Summary: In order to prevent injury or death from fire or carbon monoxide, sensors and in some cases alarm systems are required for protection of occupants. For certain structures, a fire sprinkler system is required to protect the occupants, emergency response teams and adjacent structures from damage.

9-604 Reference Codes: All codes referenced in this Chapter pertain to the latest adopted edition by the City. If a code has not been adopted by the City, then State adopted codes apply. If State codes are not adopted, then Federal codes apply.

9-605 Sensors / Detectors:

A. Carbon Monoxide (CO) Detectors: UL Listed Carbon monoxide detectors are required to be installed per NFPA 720 and per State Code in all structures when a building permit is issued and in all STR as part of the application for license for a STR.
B. Smoke Detectors: UL Listed Smoke detectors are required to be installed per NFPA 72 and per State Code in all structures when a building permit is issued and in all STR as part of the application for license for a STR.

9-606 Fire Sprinkler Systems: Fire sprinkler systems per NFPA 13R are required in all new structures of Group R per the International Building Code (IBC) over 6500 square foot of total habitable space including unfinished spaces.

A. An Automatic Fire Sprinkler System is required to be installed in an existing home when:
    1. An addition of greater than 50% of the final total habitable space is constructed and the finished total habitable space will exceed 6500 square feet.
    2. A remodel of greater that 50% of the total habitable space, which requires a building permit, is completed and the finished total habitable space exceeds 6500 square feet.

9-608 Inspection

A. Prior to occupancy the Building Official must inspect the detectors for functionality.
B. Prior to license for a STR or commercial business license and annual renewal the Fire District Personnel must inspect the detectors and fire extinguishers for functionality.

(Approved this 9th day of July, 2015)

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TITLE 10 – TRANSPORTATION, STREETS AND PUBLIC WAYS

CHAPTER 10-100 Transportation

10-101 An Ordinance Governing the Operation of Snowmobiles in the Town of Garden City, Rich County, State of Utah. Persons shall not operate snowmobiles upon any street, highway, or public right-of-way and crossing except:

A. When crossing a public street or highway after coming to a complete stop, yielding right-of-way and crossing at right angles.

B. When loading or unloading snowmobiles from a truck or trailer which must be done with due regard for safety and at the nearest point of practicality.

C. When a street or highway has been officially closed. For the purposes of this

ordinance, Back Street shall be considered closed.

D. When the snowmobile is being operated on a highway right-of-way solely for the purpose of gaining access to or from a lawful area of operation.

It shall be unlawful for a snowmobile to be operated after the hour of 10:00 p.m. or before the hour of 6:00 a.m. in the Town of Garden City. Any violation of this ordinance shall be considered a misdemeanor.

10-102 An Ordinance Regulating the Use of Motor Bikes and Similar Motor Vehicles Within the Boundaries of Garden City, Utah and Providing Civil and Criminal Sanctions for Enforcement Thereof.

A. The term "motor bike" as used in this ordinance shall include, without limitation, all two or three wheeled vehicles propelled by engines or motors and designed to carry one or more persons, whether or not licensed as motor vehicles under laws of the State of Utah, which may be commonly called by any of the following names: motor bikes, motorcycles, mini bikes, trail bikes, motor scooters, dune cycles, all-terrain vehicles or the like.

B. The term "city streets" as used in this ordinance shall mean all public roads and streets and public rights-of-way and roads and streets made part of the residential subdivisions located within the corporate boundaries of Garden City, but shall not include roads, streets or highways under exclusive control or jurisdiction of Rich County or the State of Utah or strictly private rights-of-way across privately owned property expressly and actually restricted for private use of the owners.

C. Nothing herein shall be interpreted to conflict with the existing statutes of the State of Utah regulating licensing of motor bikes or the use thereof on State or other public highways, or designating muffler or other noise-suppression standard therefore, and the City Council hereby expressly encourages all persons and vehicles to conform to such statutes and encourages appropriate authorities to enforce the same.

D. It shall be lawful for motorbikes duly licensed and equipped for public highway use under laws of the State of Utah to be used and driven on or across city streets for ingress and egress and access to public or private property in the normal manner of use and in an otherwise lawful manner. The city does not hereby attempt to regulate or prohibit use of motorbikes on trails and roads under the exclusive jurisdiction of any other local, state or federal government or any agency thereof.

E. It shall be unlawful for motorbikes not licensed for public highway use under the laws of the State of Utah to be driven on or across any city street. The city

Expressly finds it to be against the interests of the health, welfare and property of its inhabitants to permit use of city streets as motorbike trails for off-road vehicles.

F. It shall be unlawful for any person to use or drive a motorbike on private property within the corporate boundaries of the city in such manner or at such times as to create unusual noise or danger which may be deemed a nuisance or a public hazard endangering the quiet, peace or safety of persons inhabiting nearby residential building, whether private homes, recreational cabins, motor or the like.

G. The city, through its mayor, or its marshall or through any two members of the City Council acting together, is hereby expressly empowered to issue a Cease and Desist order or other appropriate civil process to or against any person or persons, which order or other process is intended to terminate activities made unlawful under this ordinance when any violations thereof are made known to such city officers.

H. The city, through its mayor, or its marshall, or through any two members of the City Council acting together, is hereby empowered to give copies of this ordinance to any person or persons who may be found violating or threatening to violate this ordinance, in lieu or, in aid of, or as a warning prior to issuance of such Cease and Desist Order or other civil or criminal process.

I. Violation of this ordinance may, in addition to or instead of becoming the subject of civil process as otherwise provided herein, be deemed a crime and be punishable as a misdemeanor under the laws of the State of Utah.

J. Any section or clause of this ordinance which may be found to be unconstitutional or otherwise unlawful shall be deemed severable and divisible from the remainder of this ordinance for the purpose and with the intent that the remainder of the ordinance be enforceable for the purposes for which it has been enacted.

<u>10-103 Streets and Public Ways</u>

A. Definitions as used in this chapter:

1. "Vehicle" – Any device under a person's physical control propelled by an engine including but not limited to: automobiles, tractors, mopeds, motorcycles, go-carts, power-driven scooters, off-road vehicles.

2. "Public right of way" means the entire width between property lines of every highway, road, or street that is open to the public for purposes of vehicular traffic.

3. "Rights of way" means the width from one property line to that property line across said street.

B. It is unlawful for any person who owns or has possession, control, or custody of any vehicle to park, allow, or permit another person to park any such vehicle or equipment upon any public right of way within the Garden City town limits between the hours of four a.m. and nine a.m. from November 1st to May 1st, except as follows:

1. Physicians, emergency medical service providers, law enforcement officers, or fire department personnel during emergency calls or circumstances.
2. When Logan Canyon is closed, the 50 S. parking lot will be open for overnight parking for the duration of the time that the canyon will be closed.
3. Residents or their guests or invitees, when required by emergency or other unusual circumstances, may apply to the Town of Garden City for a permit for all night parking on a public street within the town limits. The Town of Garden City's code enforcement officer, for good cause shown, may issue a permit and a sticker to the applicant.

C. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

D. Seasonal Motorized Traffic Restrictions for Garden City Memorial Day to Labor Days. Restrictions are seasonal and will be posted at the entrance or part thereof under restriction.

1. Restrictions apply to Public access city streets 24 feet or less in width.
   a. Includes:
      i. City streets within corporate limits.
      ii. Unpaved roads.
      iii. Rights of way, restrictions are seasonal and will be posted at the entrance or part thereof under restriction.
      iv. Contractor installed subdivision streets and roads.
   b. Not included:
      i. State of Utah roads and highways.
      ii. Rich County roads and highways.
      iii. Private rights-of-way.

2. The Garden City governing body will determine restrictions on city streets Less than 24 feet wide based on at least one of the following criteria:
   a. Threat to public health and safety.
   b. Pedestrian traffic load.
   c. Environmental health
   d. Ecological preservation.
   e. Nesting or spawning areas.

3. On restricted streets motorized vehicle access will be limited to:
   a. Property owners.
   b. Property renters.

c. Owners or renters guests.

4. Exemptions to motorized vehicles used are:
   a. Motorized wheel chairs.
   b. ADA compliant vans/busses.
   c. Vehicles displaying official handicapped stickers or cards.
   d. Construction and maintenance vehicles authorized by Garden City, Rich County or the State of Utah.

5. Roads with width greater than 24 feet may have seasonal restrictions if:
   a. Requested by an HOA within city limits.
   b. Resident adjacent to said street, (neighbor consent required).
   c. Must be approved by Garden City Council.

6. Parking on roads less than 24 feet wide is prohibited.

7. Speed limit for authorized motor vehicles is 5 miles per hour, Memorial Day through Labor Day.

8. Penalties. Citations may be issued by an enforcement officer with jurisdiction in Garden City. Fine will be set by resolution.

E. Parking restrictions. In addition to other parking restrictions in this chapter, it shall be unlawful to park any vehicle:
   1. Over, above, on or across any public right of way, between the sidewalk and curbing abutting any public street, or any sidewalk or portion thereof, or to otherwise park a vehicle in such a manner so as to obstruct access upon, or use of, the entire surface of any right of way, sidewalk, or bike path;
   2. Upon any street or publicly owned or controlled property or right-of-way for the principal purpose of performing maintenance or repairing such vehicle except as is necessitated by an emergency;
   3. That is mechanically inoperable or cannot be lawfully operated on public streets upon any street, publicly right-of-way or publicly owned or controlled property;
   4. In a manner proscribed above, or to park such an item on any public street except for the immediate loading or unloading and never longer than twenty-four (24) consecutive hours;
   5. In any fire lane or to otherwise block or obstruct access to any fire apparatus;
   6. On any public property other than in designated parking or obvious parking areas or as legally permissible on roadways; or
   7. In any location that interferes with the delivery and monitoring of essential services, such as utilities, postal services, refuse collection and emergency services.

8. No person shall park any vehicle or trailer between the hours of 1:00 a.m. and 6:00 a.m. on any of the town's parking lots. Temporary permission to park overnight may be granted by the Code Enforcement Officer.
9. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

This was updated May 12, 2016

F. Overnight Camping on Right of Ways.
1. No person shall camp overnight upon the street right-of-ways of the Town of Garden City, nor shall any person set up tent(s), shacks or any other temporary shelter; no park camper(s), trailer(s), or any other vehicle for the purpose of camping upon the street right-of-ways of Garden City Town.
2. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

G. Handicap Parking.
1. It shall be unlawful for any vehicle, within the Garden City Town limits, to park in a defined handicap parking, except by a Utah State issued permit or any other valid permit issued from another state.
2. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

H. Storage of items on right of way.
1. It shall be unlawful to store any items such as, but not limited to, building materials, vehicles, trailers, trash with the exception of trash receptacles allowable under 9-413, temporary structures, except for the purpose for loading and unloading and not for a duration longer than twenty four (24) consecutive hours.
2. A violation of this section shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

This ordinance was updated March 12, 2015

CHAPTER 10-104 – An Ordinance enacting regulations for the operation and use of off-highway vehicles within Garden City, Rich County, State of Utah

A. Policy. In enacting this Ordinance, it is the policy of Garden City to promote safety and protection for persons, and property in connection with the use, operation, and the equipment of off-highway vehicles in Garden City.

B. Definitions. The terms used in this Ordinance shall have the same definitions as provided in Title 41-22-2, Utah Code Annotated.

C. Designation of streets.

1. Pursuant to the authority granted to the Town Council in Section 41-22-2, Utah Code Annotated, the Garden City streets, shown on the map attached hereto and incorporated herein by this reference as Exhibit A, are hereby designated as off-highway vehicle routes for the specific purpose of allowing off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use. Streets designated as open to OHV use will be marked appropriately.
2. Off highway vehicles are not permitted on any other streets in Garden City except as provided in sub-section A.
3. A person may not operate an off-highway vehicle, except for off-highway implements of husbandry under Section 41-25-5.5, Utah Code Annotated, when used in accordance with said section, on any street in Garden City, for any other purpose than to gain direct access to or from a private or public area open for off-highway vehicle use.
4. The speed limit for all off-highway vehicles operated within Garden City shall be 15 miles per hour.
5. No off-highway vehicles shall be allowed on any Garden City street between the hours of 10:00 p.m. and 5:00 a.m.
6. Off-highway vehicles are not allowed to operate along the Garden City Bike and Pedestrian Path except as allowed for snowmobiles in Garden City Ordinance 10-100.
7. OHV operators are encouraged and expected to utilize the right shoulder of the roadway and yield to other motor vehicle, pedestrian, equestrian and bicycle traffic.
8. Off-highway vehicle operators are expected to obey all traffic laws.

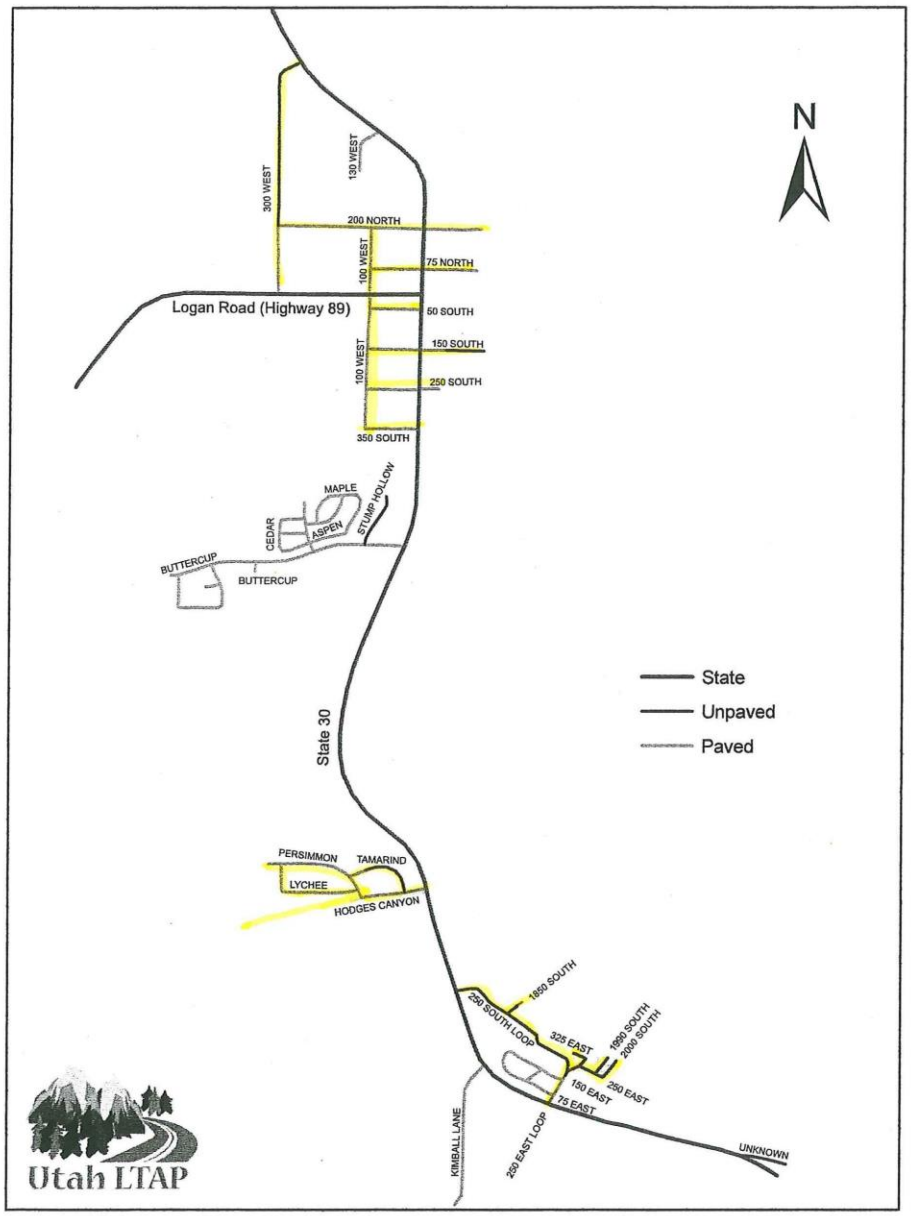
D. Adoption of State Code Provisions. The provisions of Title 41 Chapter 22, off-highway vehicles (updated 30, April 2007) is hereby approved & adopted as the off-highway rules and regulations of the Town of Garden City except as such rules & regulations may be specifically altered or modified by the ordinances of this Town.

E. Effective Dates. This ordinance shall become effective immediately after passage and publication as required by law.

F. Enforcement. This ordinance shall be enforceable by any peace officer as authorized by the State of Utah.

(Revised and updated June 14, 2007)

Garden City Utah



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TITLE 10 – TRANSPORTATION, STREETS AND PUBLIC WAYS

CHAPTER 10-105 Garden City Snow and Ice Control Ordinance

10-105 Introduction The Town of Garden City believes that it is in the best interest of the residents for the Town to assume basic responsibility for control of snow and ice on town streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The Town will provide such control in a safe and cost effective manner, keeping in mind safety, budget, personnel and environmental concerns. The Town will use town employees, equipment and/or private contractors to provide this service.

A. Snow Or Ice Control Operations The Mayor or Public Works Department personnel will decide when to begin snow or ice control operations. The criteria for that decision are:

1. Snow accumulation of 2 inches or more;

2. Drifting of snow that causes problems for travel;

3. Icy conditions which seriously affect travel; and

4. Time of snowfall in relationship to heavy use of streets.

5. During the hours of 6:00 AM to 9:00 PM unless otherwise required.

Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently snowplowing operations will not generally be conducted for snowfall of less than 2 inches unless determined otherwise by the Public Works Department (Traffic Volume, Steep Grades, etc.)

Snow will be plowed in a manner so as to minimize any traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right in most cases. The discharge shall go onto the shoulder area of the street. In times of extreme snowfall and wind, streets may not be immediately cleared of snow.

B. Priorities And Schedule For Which Streets Will Be Plowed The Town has classified streets based on the street function, traffic volume, grade and importance to the welfare of the community. Routes will be plowed in the most cost effective and timely manner. Those streets classified as "Snow Plow Routes" will be plowed first. These are high volume routes, which connect major sections of the town and provide access for emergency fire, police and medical services.

The second priority streets are those streets providing access to commercial businesses, churches, schools, etc.

The third priority are low volume residential streets. The fourth priority areas are town parking lots.

C. Work Schedule For Snowplow Operators Snowplow operators will be expected to work as needed usually from the hours of 6:00 AM - 9:00 PM unless otherwise required.

D. Weather Conditions Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of employees or equipment, and operations are effective. Factors that may delay snow and ice control operations include: severe cold, significant winds, limited visibility and rapid accumulations of snow and/or ice.

E. Use Of Sand, Salt And Other Chemicals The Town will use sand, salt, and other chemicals when there are hazardous ice or slippery conditions. The Town is concerned about the effect of such chemicals on the environment and will limit its use for that reason. Even after reasonable care, snow and ice may still build up.

F. Emergency Situations For emergency vehicles responding to emergency situations (fire, medical, police) within the town, or Fire Department/Police Department jurisdiction, necessary employees and equipment will be dispatched as soon as possible.

G. Damage To Personal Property Only those properties, which are installed properly and allowed by town ordinance to be adjacent to streets and damaged by actual contact with town equipment, will be considered for repair or replacement at town expense. **Damage to trees, shrubbery and other landscaping will not be considered for compensation.**

Damage to personal vehicles will be considered only if they are legally parked and only if physically contacted by equipment, salt, sand, snow or any other matter coming from/off snow removal equipment.

H. Plowing Of Private Property Unless there is direct benefit to town operations or unless emergency vehicles need access, there shall be no plowing of private property with town equipment.

I. Private Snow Removal Throwing or pushing snow into the street with a snow blower, 4wheeler, shovel, or any other means is a safety violation. This creates dangerous bumps in the road that can turn into ice, causing accidents and property damage for citizens and snow plow operators. **Violators will be issued citations.**

Note to contractors. Contractors pushing parking lots for apartment buildings, schools, churches, businesses, etc., need to be aware that the snow from that area must stay on that property. Pushing snow out into the road or onto someone else's property will not be allowed. Contractors must have a business license.

J. State Of Utah Plowing Certain streets, such as Highway 89-91, Highway 30, within the town limits are maintained by the Utah Department of Transportation, and fall under state maintenance policies.

Approved February 12, 2009

Chapter 10-200 Municipal Tree Ordinance

10-201 An Ordinance Regulating the Planting, Maintenance and Removal of Trees in the Public Streets, Parkways and Other Municipal Owned Property; also, Regulating Pruning and Removal of Trees on Private Property Which Endanger Public Safety.

A. Definitions

1. Street Trees: Trees, shrubs, bushes, and all other woody vegetation on the land lying between property lines on either side of all streets, or ways within the Town.

2. Park Trees: Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names and all areas owned by the Town, or to which the public has free access as a park.

B. Creation and Establishment of a Town Tree Board

2. A Town Tree Board for the Town of Garden City shall be established and consist of five members who are citizens and/or residents of this Town, who shall be appointed by the Mayor with the approval of the Garden City Town Council. Members of the Beautification Committee may serve on the Town Tree Board.

C. Term of Office

1. The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year, two of the members appointed to the first board shall be for only two years, and the term of the third members of the first board shall be for three years. In the event that a vacancy shall occur during the term of any member, their successor shall be appointed for the unexpired portion of the term.

D. Compensation

1. Members of the Board shall serve without compensation. They may petition to have their mileage reimbursed to tree seminars.

E. Duties and Responsibilities

1. It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written tree plan. This plan addresses the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks along streets, and in other public areas and on private land if the trees are deemed a nuisance or hazard. Such a plan will be presented annually to the Garden City Town Council and upon their acceptance and approval shall constitute the official comprehensive Town Tree Plan of the Town of Garden City.

CHAPTER 10-300 Vehicle Weight and other Traffic Restrictions

10-301 Weight Restrictions.

A. The governing body may impose vehicle weight limitations on certain streets within the municipality to limit or restrict a certain class or kind of traffic when such traffic, in the opinion of the governing body, poses a threat to other classes or kinds of traffic, pedestrians or neighborhood residents. All such restrictions shall be clearly posted at the entrance to the street or part thereof affected by these regulations.

CHAPTER 10-400 The Bear Lake Scenic Trail/Bike Path Ordinance

10-401 Definitions:

A. Motorized Vehicle: For the purposes of this section, "motorized vehicle" shall mean any device in, upon, or by which any person is in physical control and transported by engine propelled means, including but not limited to automobiles, tractors, mopeds, motorcycles, go carts, electric or gas powered scooters, and off highway vehicles. The term "motorized vehicle" does not include devices propelled exclusively by human power.

B. "The Bear Lake Scenic Trail/Bike Path": For purposes of this section, "The Bear Lake Scenic Trail/Bike Path" shall mean those spaces designated for uses as a recreational pathway within the Town of Garden City and any adjacent right of way.

10-402 Operation of Motorized Vehicles on "The Bear Lake Scenic Trail/Bike Path" Prohibited. The operation of motorized vehicles on "The Bear Lake Scenic Trail/Bike Path" is prohibited.

10-403 Parking on "The Bear Lake Scenic Trail/Bike Path" Prohibited. There shall be no parking any time on "The Bear Lake Scenic Trail/Bike Path". Abandoned vehicles shall be towed or removed at owner's expense as per the Utah Code Annotated, Section _____.

10-404 Exceptions. The prohibition against motorized vehicles shall not include:

A. Motorized wheelchairs used to transport disabled persons.

B. Construction and maintenance equipment authorized by the Garden City Town Council.

C. Snowmobiles as allowed by Garden City Ordinance, Title 10- Transportation.

D. Those off highway vehicles registered as animal husbandry.

E. Electric pedal assisted bikes. (Throttled electric bikes are not allowed).

10-405 Speed Limit. The speed limit for the above-mentioned exceptions if 5 mph.

10-406 Penalties. Each violation of this section shall be an infraction punishable by a one hundred dollar ($100.00) fine. Citations may be issued by any law enforcement officer with jurisdiction to issue citations within the Town of Garden City. In addition, any law enforcement officer with jurisdiction in the Town of Garden City may institute proceedings in the County Court seeking any civil remedies available under law, including without limitation injunctive relief and/or civil penalties of not less than one hundred dollars ($100.00) for each day that a violation occurs.

(Approved June 8, 2017)

Chapter 10-500 Encroachment Ordinance

10-501 Purpose. An Ordinance regulating encroachments on the Town right-of-ways or other public properties, providing for the issuance of encroachment permits, collection of fees and providing penalties for the violation thereof.

10-502 Definitions.

A. Encroachment. Any structure or object placed in, under, on, or over any portion of a City street, or other City-owned parcel or easement without the written permission of the City.
B. City Street. Includes all or any part of the entire width of the right-of-way of all roads accepted into the City road system, whether or not such area is actually used for roadway purposes.

10-503 Encroachment Permit – Compliance Required

A. It shall be unlawful for any person, firm, or corporation to place, make, enlarge, cut into, or change public right-of-ways without first having obtained a written permit from the City.
B. The City may issue such written permits authorizing the permitee to do any of the following acts:

1. Make an opening or excavation for any purpose in any City street or easement;
2. Place, change, or renew an encroachment, except that no permit shall be required for changes, renewals or replacements of encroachments installed by public utility corporations when the work is performed by the utility's own personnel, and where such changes, renewals or replacements require no opening or excavation of a City street.

C. Exceptions. Encroachment fees do not apply to work done by the Town personnel, Bear Lake Special Service District, electrical company, Telephone Company, or by any person performing work for the Town pursuant to a contract. Exemptions only refer to fees; applications must be filled out and approved.

D. Emergency Repair Excavations. Permitees may excavate within City streets for the purpose of making repairs in such cases of emergency requiring immediate action to prevent loss of life or damage to property. The City and local law enforcement shall be promptly notified by a phone call, and the permitee at his own expense shall immediately replace such City street in as good a condition as before the excavation. No emergency work may be done if law enforcement determines that the proposed work would represent an unreasonable threat to the public health, welfare, or safety.

E. Restoring Surface. Restoration shall commence within 7 days following excavation. Complete restoration shall be diligently pursued until complete unless specific, authorized, written permission from the Garden City Public Works employee is given to extend the time.

10-504 Applications. Applications for all permits shall be made to the City Office, and shall describe the excavation or encroachment, and shall have a drawing of the location of the intended excavation, encroachment, or structure, the pertinent dimensions thereof, the purpose therefore, the person, firm, public utility, or corporation doing the actual work and the name of the person, firm, public utility, or corporation for whom or by which the work is being done, and shall contain an agreement that the applicant will comply with all the ordinances and laws of Garden City and the State of Utah relating to the work to be done. The application shall also provide for an agreement that the applicant shall indemnify Garden city for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or construction any such excavation, encroachment or structure.

10-505 Permits. All permits issued pursuant to this ordinance shall be valid for a period of 30 days with possible extensions, and that no permit shall extend into the winter season. Winter season is described as being Nov. 15 to Feb. 15.

A. If a driveway encroachment cannot be completed as required for a Certificate of Occupancy due to seasonal adverse weather, soil conditions, or other unforeseen conditions beyond the applicant's control, the City may allow the issuance of a Certificate of Occupancy by the Building Inspector prior to completion of the encroachment when the applicant consents to additional conditions, and provides security to guarantee completion of the driveway encroachment by executing a Driveway Completion Agreement.

10-506 Fees. A review fee, in the current amount as set by resolution of the Garden City Council shall accompany each application for a permit. Fees must accompany the application unless other fee payment arrangements have been approved by the Garden City Council.

10-507 Supervision and Inspection. The Garden City Public Works employee or the Building Inspector shall inspect or cause to be inspected, all work done pursuant to permits to insure the enforcement of the provisions of the permit.

A. Drainage. All driveways shall be graded such that water draining off the driveway does not flow onto City roads and is diverted into a roadside ditch or gutter. Driveways which cross roadside ditches or other drainages shall be required to provide drainage facilities in the form of culverts or bridges. The minimum diameter of culverts shall be 18 inches.

B. Review. Any change which is made to the driveway encroachment after the Encroachment Permit is issued, must be reviewed and approved prior to making the change. Final Certificates of Occupancy shall not be issued by the Garden City Building Inspector until the Driveway Encroachment is in compliance with this Ordinance.

C. Hazards and Sight Distances. Driveway encroachments shall not create hazardous driving conditions. All driveways shall be located such that the minimum stopping sight distances are in accordance to Utah State Code.

D. General Structure Encroachments. For reasons of safety and snow removal operations, no trees, structures, retaining walls, walls, landscape berms, utility poles, utility box, fire hydrant or other obstacle (all to be referred to as structures) shall be placed in the right-of-way of a City Road without the necessary permit. Exceptions are when a property owner at their own risk, plants grass, flowers, low shrubs, etc. in the City right-of-way without a permit. Garden City shall not be responsible for damage during normal maintenance activities to any landscaping or structures placed within the right-of-way.

10-508 Violations. Any person violating any provision of this ordinance shall be guilty of a Class “C” Misdemeanor infraction and shall be punishable by a fine set by resolution of the Garden City Council. Each day a continuing violation occurs shall constitute a separate offense.

10-509 Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

10-510 Effective Date. This Ordinance shall become effective after publication of such in accordance with applicable State Law.

Date of Application:_____ Permit Fee:_____
Property Owner:(Please Print)_____
Street Address:_____
Phone#:_____ Alternate Phone#:_____
Contractor:_____
Address:_____
Phone#:_____ Alternate Phone#:_____
Insurance Carrier & Policy #_____
Contractor's State License #_____
Contractor's City License #_____
Type of cut: Water ___ Sewer: ___ Culvert: ___ Other: _____
Start date:_____ Completion date:_____
Please state the approximate size and dimensions of the cut to be made: ATTACH PLAN/DRAWING

_____
_____
_____
_____

ATTACH TRAFFIC/SAFETY PLAN
Blue Stakes verification#:_____
Name and number of town road:_____
or Location of sidewalk or bike path or curb and gutter to be cut:

_____

The UNDERSIGNED hereby agrees to do all specified herein and in full compliance with the Town of Garden City specifications for road or other cuts. The PERMITTEE further agrees not to alter same unless such alterations are submitted to and approved by the Town of Garden City. The OWNER and CONTRACTOR also agree, if granted this permit, to hold the Town of Garden City harmless from any and all liability for any work done under the granting of this permit or otherwise arising from the construction and restoration of the road or other cut, and CONTRACTOR will defend the Town of Garden City from any action, suits or claims brought against them and to pay any judgments or recoveries against the Town of Garden City.

Property Owner:_____ _____
Please Print Clearly Please sign here

Contractor:_____ _____
Please Print Clearly Please sign here

THIS APPLICATION MUST BE SIGNED BY BOTH THE PROPERTY OWNER(s) AND THE CONTRACTOR BEFORE PERMIT WILL BE ISSUED.

UPON APPROVAL OF THIS APPLICATION, A PERMIT WILL BE ISSUED WHICH MUST BE DISPLAYED AT THE JOB SITE.

City Use:
Cut permit number:_____ Date Issued:_____ Issued By:_____
Type of guarantee: Bond ___ Letter of Credit ___ Cash ___
Method of payment: Cash_____ Check#_____ Money Order#_____

INSPECTION: _____ DATE: _____

Chapter 10-600 Sidewalk Requirements

10-601 Purpose. An ordinance regulating sidewalk care and maintenance for sustainability and livability in Garden City.

10-602 Owners to keep sidewalks clean and in repair. All owners and occupants of city lots are required to keep in repair, and in condition for travel, the sidewalk and bus stop adjacent to their respective lots, and remove all weeds, brush, snow, hail, sleet, ice and other obstructions from the same.

10-603 Gates. It is unlawful for any person or owner of property in the city to so hang or arrange any gate or door so that the same would swing across the sidewalks in the city, obstructing traffic thereon in any degree.

10-604 – Obstruction unlawful. No person shall place or allow to be placed any object or other obstruction upon the sidewalk or within the public right of way without first obtaining a written permit from the city unless otherwise allowed by ordinance or statute.

10-605 Weeds to be removed. It is unlawful for any person owning, occupying or controlling any real property within the corporate limits of the city to allow weeds to grow or remain on the sidewalk or ditch banks in front of such person's premises.

10-606 Sidewalk maintenance. All sidewalks must be maintained per the Garden City Public Works Standard Specifications & Drawings. Any sections of sidewalk damaged by the homeowner, business owner or occupant will be replaced by the homeowner/business owner. Sidewalks will be replaced by and at the expense of the homeowner/business owner and will conform to the Garden City Public Works Standard Specifications & Drawings.

All sidewalks with long term wear and tear will be addressed by the Garden City Public Works Department to determine if replacement or repair is warranted.

10-607 Newly constructed sidewalks. Any newly created sidewalks must conform to the current ADA standards and must be designed and constructed per the Garden City Public Works Standard Specifications & Drawings.

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TITLE 11A - LAND USE - GENERAL PROVISIONS

CHAPTER 11A-100 General Provisions

11A-101 Short Title. This ordinance shall be known as the Zoning Ordinance of Garden City, Utah and may be so cited and pleaded.

11A-102 Purpose. The general purpose of this ordinance is to protect and promote the public health, safety, convenience and welfare by establishing regulations and a process of review for all proposed subdivisions of land. This ordinance establishes standards for land subdivision in order to accomplish the following:

A. To promote orderly, harmonious, and integrated development of land;

B. To link subdivisions to the underlying zone requirements;

C. To provide safe, adequate, and efficient pedestrian and vehicular traffic systems and circulations;

D. To provide adequate all-weather ingress and egress to subdivisions and lots therein;

E. To prevent overcrowding of land and congestion on streets and highways; To provide for adequate air, light, solar access, privacy, and open space; To provide for adequate fire protection.

F. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements and public expenditures to provide such improvements;

G. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub masses, top soil, stream beds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;

H. To safeguard and enhance the character, appearance, and economic stability of the community;

I. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;

J. To protect the economic base of the community, including property values;

K. To provide access to public lands and waters;

L. To ensure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting and easements;

M. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology;

N. To ensure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this ordinance and all other municipal ordinances relating thereto, including subsequent amendments.

11A-103 Jurisdiction. The regulations and procedures as set forth in this ordinance shall apply to each and every subdivision of land within the jurisdictional limits of the Town of Garden City, Utah.

11A-104 Scope. The regulations and procedures contained in this ordinance shall be complied concurrent with any of the following:

A. Division of a parcel of land into two or more tracts, lots, or parcels for transfer of ownership, building development, leasing, or encumbering with mortgage or deed of trust;

B. The establishment of a condominium or planned unit development, as herein defined;

C. Addition to or creation of a cemetery;

D. The change or modification of boundary lines whether or not any additional lot(s) are created;

E. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.

11A-105 Exceptions. These regulations shall not apply to the following:

A. The unwilling sale of land by legal condemnation.

B. The enlargement of municipal streets, facilities and easements.

C. The acquisition of collector or arterial street right of way by any public agency in conformance with the comprehensive plan.

D. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements and does not change the original number of lots in any block of the recorded plat.

E. An allocation of land in the settlement of an estate of a decedent or a divorce decree for the distribution of property.

F. Widening of existing streets to conform to the General Plan.

G. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.

H. The dividing of the original lot, tract, or parcel of land for the purpose of transfer of ownership as an addition to and contiguous with adjoining land for the purpose of enlarging the adjoining parcel size and not for increasing the number of dwellings that can be built on the lot or parcel.

I. The land owned, purchased, or sold by a municipality, body politic, local improvement district, or organization owning a community water system, or other public agency, for the furtherance of any public purpose of such entity.

11A-106 Interpretation. All proposed subdivisions of land shall comply with the regulations of this ordinance. Density and availability of building permits is determined by the zoning of the property. The regulations contained in this ordinance shall be considered minimum standards. The regulations of this ordinance are in addition to all other regulations and where at variance with other laws, regulations, ordinances, or resolutions of the Town of Garden City, or any other governmental body having jurisdiction thereover, the more restrictive requirements shall apply. Furthermore, where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the council.

11A-107 Conflict. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws but shall prevail notwithstanding such provisions which are less restrictive.

11A-108 Effect Upon Previous Ordinance and Map. The existing Zoning ordinance of Garden City, Utah, including maps, is hereby superseded and amended to read as set forth herein; it shall likewise supersede any and all revisions and addendum to such previous ordinances; and all other provisions therein.

11A-109 Administration. The Council shall designate the Garden City Clerk or Assistant Clerk to receive and process all subdivision applications. The Planning Commission will make recommendations to the Council with regard thereto. The Planning Commission Chair and members of the Commission shall serve at the will of the Council according to the Bylaws of the Commission.

CHAPTER 11A-200 Definitions

A. For the purpose of this ordinance, certain words and terms are defined as follows: (words used in the present tense include the future; words in the singular number include the plural and the plural the singular; the word "shall" is always mandatory and the word "may" indicates the use of discretion in making the decision. Words not included herein but defined in the International Building code shall be construed as defined herein.)

1. Accessory Building. A detached building located upon the same lot occupied by the main residential or commercial building.
2. Agriculture The tilling of the soil, the raising of crops, horticulture and gardening, including the keeping or raising of domestic animals and fowl, and not including business such as fur farms, animal hospitals, milk and feed lots, and livestock auctions.
3. Agriculture Tourism. Agriculturally related accessory uses designed to bring the public to a farm or ranch, for items such as farm animal viewing and petting, wagon rides, farm or ranch activities tours, horticulture nurseries and associated display gardens, classes or workshops and similar uses.
4. Alley A minor public way twenty-six (26) feet or less in width providing secondary access to the back or the side of property otherwise abutting a street.
5. Apartment Court Any building or group of buildings, which contain dwelling units; see Dwellings, Group.
6. Apartment Hotel Any building which contains dwelling units and also satisfies the definition of a hotel, as defined in this ordinance.
7. Apartment House See dwellings, multiple-family.
8. Apartment Motel Any building or group of buildings which contain dwelling units, and also satisfies the definition of a motel, as defined in this ordinance.
9. As-built drawings Plans and specifications, certified by the subdivider's engineer, depicting the location, type and details of improvements installed by the subdivider. "As constructed drawings" and "as-built drawings" are synonymous
10. Basement A story partly underground. A basement shall be counted as a story for the purposes of height measurement if its height is one-half (½) or more above grade.
11. Bench Mark Is a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
12. Block A group of lots, tracts, or parcels within well-defined boundaries, usually streets.
13. Boarding House A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
14. Building Any structure, either permanent or temporary, having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
15. Building Accessory See Accessory Building definition.
16. Building envelope The site for location of a structure delineated on a preliminary plat and final plat within which the entire building must be constructed. A building envelope shall conform to all minimum zoning ordinance requirements

and requirements of this ordinance.

17. Building, Public A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.
18. Campground Any area or tract of land used or designed to accommodate two (2) or more vacation trailers, motor coaches, tent trailers, tents, campers, camping cabins, yurts, or camping parties wherein such trailers, coaches, tents, campers or camping parties remain overnight.
19. Campground Party Any person or group of persons who remain in an area or tract of land overnight.
20. Carport A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.
21. Clerk The Clerk of the Town of Garden City, Utah
22. Cluster Development A grouping of residential properties on a development site in order to use the extra land as open space and preserve natural habitat. Open space must be a minimum of 70% of the development. All roads within the cluster development, including ingress and egress must be no greater than 8% grade.
23. Commercial Recreational Vehicle Parks: This type of park has unified for the purpose of providing rental space to the general public for recreational vehicles.
24. Commission The Garden City Planning Commission.
25. Community Housing That portion of housing within a planned unit development that meets the following minimum requirements: Affordability requirements for ownership and rental units:
    a. Ownership Community or Employee Housing Unit means that a unit's selling price shall not exceed the maximum sales prices in which the costs of ownership as set forth below do not exceed thirty (30%) percent of Adjusted Median Income (AMI). The costs of an ownership unit include mortgage principal and interest payments, insurance costs, and property taxes. Income Categories 1-4 shall be considered appropriate categories for the provision of community or employee housing.
    b. Rental Community or Employee Housing Unit no more than thirty 30) percent of a household's gross monthly income shall go toward housing costs. For a rental dwelling unit, housing costs include a utility allowance (telephone excluded) and monthly rental payments. To be considered affordable, rental units should be made available and priced for households making eighty (80) percent or less of the Town of Garden City AMI.
    c. Community housing units must be deed restricted to ensure appropriate income levels served, corresponding sales prices, and long-term affordability.
    d. The following combinations may qualify as Community Housing units:
        1. Studio Unit = 1/3 of a Community Housing Unit
        2. 1 Bedroom Unit = ½ of a Community Housing Unit
        3. 2 Bedroom Unit = 1 Community Housing Unit
        4. 3 Bedroom Unit = 1 ½ Community Housing Units
        5. 4 Bedroom Unit = 2 Community Housing Units

26. Conditional Use A land use that (because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses) may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

27. Condominium A unit consisting of an undivided interest in common in real property, in an interest or interest in real property, or any combination thereof, together with a separate estate in real property, in an interest or interests in real property, or any combination thereof.

28. Condominium Development A method of development wherein the air space within a structure(s) is owned separately on a free basis whereas the structure(s) and common elements are owned jointly in common by all owners of units in the development.

29. Council The Garden City Town Council.

30. County recorder The office of the Rich County Utah recorder.

31. Court An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The dimension measured at right angles to its width.

32. Covenants, private A written promise, covenant, restriction, or rule imposed upon land by the property owners or land developers which are private in nature and enforced accordingly. Such covenants do not replace or impair the validity of the restrictions or regulations imposed by this ordinance or any other applicable ordinance of the Town of Garden City or governmental entity having jurisdiction thereover.

33. Dedication The setting apart of land, or interest in land for use by the public. Land becomes dedicated when accepted by the Council as a public dedication by ordinance,

34. Development plan A master plan for development of a planned unit development (PUD) or a phased project establishing location of required improvements and all existing and proposed structures together with a schedule for development thereof.

35. Dormitories Any building arranged or designed for two or more dwelling units and with three (3) or more sleeping rooms per unit.

36. Double Frontage Lots A lot having a frontage on two or more nonintersecting streets, as distinguished from a corner lot.

37. Driveway A non-dedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than one (1) dwelling unit (excluding accessory dwelling units) and is constructed in conformance with the applicable adopted street standards and International Fire Code.

38. Dwelling Any building or portion thereof, which is designed for use for residential purposes, except for the following: hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, sororities, trailers, mobile homes, or dormitories. All dwelling units must have a minimum of 600

square feet, with no side of the dwelling less than 12' wide.

39. Dwelling, Single-Family A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
40. Dwelling, Two-Family A building arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.
41. Dwelling, Three-Family A building arranged or designed to be occupied by three families, the structure having only three (3) dwelling units.
42. Dwelling, Four-Family A building arranged or designed to be occupied by four families, the structure having only four (4) dwelling units.
43. Dwelling, Multiple-Family A building arranged or designed to be occupied by more than four (4) families.
44. Dwelling, Group Two or more dwelling structures occupying the same lot and having yards and open spaces in common.
45. Dwelling Unit One or more rooms in a dwelling, apartment hotel or apartment motel, designed to be occupied by one family for living or sleeping purposes and having kitchen facilities for the use of not more than one family (other than hot plates or other portable cooking units).
46. Easement A grant by a property owner to a specific person(s) or the public right to use land for specific purpose(s). Also, such a right acquired by prescription.
47. Engineer An officially licensed and registered engineer by the state of Utah.
48. Engineer, Town A representative of the Town authorized to check plats and provide on-site inspections to insure compliance with the provisions of this ordinance.
49. Existing Residences: A dwelling which is capable of being lived in or is currently being lived in.
50. Family One or more persons related by blood, marriage or adoption, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, roomers, or as a group occupying a boarding house, lodging house, or hotel, as herein defined.
51. Farmer's & Artisan's Market A Farmer's Market consists of individual vendors, who set up booths, tables or stands to sell homegrown produce, fruits, flowers, baked goods, meats (USDA approved), fresh eggs, handcrafted items, fine art directly to consumers. Artisan's music is allowed. It will be open Fridays from 5 pm to 8 pm in June, July and August (except Raspberry Days Weekend.) All vendors and products must be pre-approved by the Farmer's Market committee. Signs will be permitted two hours prior to starting and must be removed immediately after.
52. Floodplain The relatively flat area or low land adjoining the channel of a stream of a river, stream, lake or other body of water which is subject to the hazards and inundation on a one hundred (100) year frequency, as identified and defined in the Flood Insurance Study and Flood Boundary and Floodway Map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers.
53. Floodway The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as identified and

defined in the Flood Insurance Study and Flood Boundary and Floodway Map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers.

54. Frontage All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

55. Garage, Private. A building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common. It will be more than 161 sq. ft.

56. Garage, Public A building or portion thereof other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

57. General Plan The officially adopted master plan of the Town of Garden City, Utah.

58. Governing body The Council composed of elected or appointed officials of the Town of Garden City, Utah.

59. Grade The grade is measured and determined prior to any land excavation and at the location where the structure will be constructed, not the entire lot. The height of structure is measured from the average undisturbed existing lot grade to the highest point of the building (Average is defined as the midway between the highest and the lowest point on the ground).

60. Gross Density The number of dwelling units per acre within the boundaries of a parcel.

61. Gross Leasable Area (GLA) The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. GLA is the area for which tenants pay rent; it is the area that produces income. In the retail business, GLA lends itself readily to measurement and comparison; thus, it has been adopted by the shopping center industry as its standard for statistical comparison. Accordingly, GLA is used for shopping centers. For strip centers, discount stores and freestanding retail facilities, GLA usually equals GFA.

62. Height The vertical distance of a building measured from the elevation of the lowest floor to the highest point of the building, including any structures, equipment, or appurtenance located above the roof level. Exceptions for copula's not to exceed 20 square feet, chimneys and church spires shall be determined by a Garden City Building Official. In the event that a structure may surpass the height limitations as set forth in the Municipal Code due to topography then a contractor may determine height as set forth in 11A-200-62-a.

a. Before any soil is excavated or disturbed. The structure location is to be staked out and elevations determined. This is the responsibility of the Contractor and homeowner with the Building Inspector present. With the building inspector present the average of those elevations shall then be transferred to a corner lot stake for final height reference. If this means of determining height is used the contractor may determine height off the average elevation to the highest point of the structure excluding chimneys. If the corner lot grade stake is disturbed any time throughout the building process then the height of the structure shall be determined as set forth in 11A-200-62.

63. Highway A Street designed or designated as a highway by the state or federal agency responsible therefore.

64. Home Occupation shall mean any business activity which is conducted within a dwelling and is clearly incidental, secondary and in addition to the use of the structure for dwelling purposes.

Home occupation shall not include the following business activities taking place at the dwelling:

a. Motor vehicle, small engine, trailer or boat repair;
b. Any use involving the storage or sale of inflammable, explosive or hazardous materials;
c. Junkyards;
d. Mortuaries or crematoriums;
e. Sexually oriented businesses;
f. Auto body and/or fender work;
g. Towing operations;
h. Vehicle, trailer and boat sales or rentals;
i. Welding, iron works, foundries;
j. Manufacturing, excluding hobby and small handicrafts.

Home occupation shall include the use of the home by a beauty shop, lawyer, clergyman, engineer or other professional person.

The following standards shall apply to home occupations.

a. The primary use of the dwelling must be residential.
b. The business owner is responsible for complying with all applicable health, fire, building and safety codes.
c. Customers shall be allowed at the residence only if scheduled on an appointment basis, and are only allowed between the hours of seven a.m. and ten p.m. Group lessons or sessions shall not exceed six people at a time.
d. No exterior remodeling shall take place that would change the residential appearance of the home.
e. The storage or display of supplies, inventory, equipment or materials in any portion of the yard is prohibited.
f. Only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses are allowed to be used as part of the home business.

g. Home occupations must be conducted in such a manner as not to emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations or interference with radio and/or television reception.

h. No vehicle larger than a passenger car, van or one ton pickup truck is allowed to be brought to, or parked on the property in conjunction with a home occupation.

i. If the applicant for a home occupation is not the property owner, the applicant must obtain written authorization of the property owner or manager to apply.

65. Home Occupation Daycare/Preschool:
An occupied residence used for the paid compensated business of care, supervision, guidance and instruction up to four (4) children, unaccompanied by parents or guardians, including the owner/resident's children of preschool ages, for less than twenty-four (24) hours per day. The Home Occupation business shall comply with the State Fire Marshall regulations and the local building code and licensing requirements; and, when applicable, shall comply with the State of Utah Licensing operational and licensing requirements. Owner Operator shall provide Utah BCI background check. Failure to comply and pass will result in loss of business license.
An occupied residence used for the paid compensated business of care, supervision, guidance and instruction of five (5) to eight (8) children, unaccompanied by parents or guardians, including resident's children of preschool ages, for less than twenty-four (24) hours per day. This size of residential business shall comply with the State of Utah's Residential Child Care Certification as provided for the Title 26-39-105.5.

66. Home Occupation Daycare/Preschool and Daycare Preschool Centers:
Under these definitions, a Home Occupation Daycare/Preschool and a Daycare/Preschool Center do not include a day treatment for children who have emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies and do not include confinement or correctional alternatives.

67. Household Pets Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this ordinance. Household pets may also include the keeping of not more than twelve (12) chickens, four (4) pigeons, two (2) mature rabbits, one (1) lamb not over eight (8) months old, and two (2) ducks; no roosters are allowed by this ordinance. Chickens must be kept in a coup or pen on owner's property. This ordinance will not supersede the CC&R's of any subdivision if they don't allow animals. Property owners must comply with the more restrictive, the CC&R's or this ordinance.

68. Improvements means any alteration to the land or construction associated with the construction or installation of streets, easements, drainage facilities, curbs, gutters, sidewalks, water system, sewage system, storm sewers, gas, electric or telephone lines, lot pin monuments and other such items associated with the subdivision and/or development of land, including grading or fill of land.

69. Improvements required Those subdivision improvements required to be constructed after preliminary plat approval and prior to final plat approval by the Council.

70. Infrastructure Public systems, services and facilities that are necessary for economic activity, which may include: power and water supplies, gas, sewer, curb and gutter, sidewalks, ingress and egress, storm water drainage, public transportation, telecommunications, roads, schools, and any other improvements deemed public systems, services or facilities.

71. Junk Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

72. Junkyard Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of any automobile graveyard, and the term includes garbage and sanitary fills

73. Kennel The keeping of three (3) or more dogs at least four (4) months old.

74. Kitchen An area within a structure that is used or designed to be used for the preparation or cooking of food that contains one or both of the following:
    a. Cooking appliances or rough-in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills, microwave ovens or similar appliances using 220 volt electrical outlets or any gas lines.
    b. A sink less than 18 inches in depth with a waste line drain 1 ½ inches or greater in diameter AND a refrigerator exceeding five (5) cubit feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.

75. Life safety inspection The Garden City Building Official has inspected and approved the following items within the building as completed, including, but not limited to: handrails, guardrails, tempered glass, address, smoke detectors, and fire separation requirements.

76. Livestock Feedyard A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

77. Lodging House A building where lodging only is provided for compensation.

78. Lot A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this ordinance and having frontage upon a street. Except for group dwellings not more than one (1) dwelling structure shall occupy any one (1) lot. **Lot** means the parcel, plot, tract, or other area of real property intended for sale, transfer, lease, or encumbrance.

79. Lot, area The area within the boundaries of a lot, exclusive of any of the area contained within a public or private street, alley, fire lane, or private driveway easement. Also, exclusive of any narrow strip of land connecting a lot set back from any public street for the purpose of providing driveway access with that street.

80. Lot, buildable A lot that contains land outside of the floodway which conforms to all ordinance requirements and where the slope is less than twenty-five (25) percent.

81. Lot, Corner A lot abutting on two intersections or intercepting streets, where the interior angle or intersections or interception does not exceed one hundred thirty-five (135) degrees.

82. Lot, Interior A lot other than a corner lot.

83. Manufactured Home A single-family dwelling transportable in one or more sections which has been built in accordance with the federal Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act in one or more sections, which in the traveling mode, is twelve (12) body feet or more in width or fifty-four (54) body feet or more in length, or when erected on site, is six hundred (600) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

84. Mobile Home Is a dwelling unit for conveyance after fabrication, on streets and highways on its own wheels or on a flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor incidental unpacking and assembly operations such as location on jacks or other foundation or connection to utilities. A prefabricated home or structure shall not be included in this definition.

85. Mobile Home Park Any site or tract of land under single ownership, upon which two (2) or more mobile/modular homes for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

86. Mobile Home Space A parcel of ground in a mobile home park, intended to be leased or rented as a place to park a mobile home or manufactured home for dwelling purposes.

87. Modular Housing A house or prefabricated house or dwelling unit constructed in a factory in two (2) or more parts and transported to its permanent site, such dwelling unit conforming to all construction standards of the International Building Code.

88. Modular Unit A structure built from sections which are manufactured in accordance the construction standards adopted by the state pursuant to Section 58-56-13, UCA, 1953 as amended of the Utah State Code and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

89. Motel A group of attached or detached buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage attached or parking conveniently located to each unit.

90. Natural Waterways Those areas, varying in width, along streams, creeks, springs,

gullies, or washes which are natural drainage channels as determined by the Building Inspector, in which areas no buildings shall be constructed.

91. Net Density The number of dwelling units per acre within the boundaries of a parcel or building site after utility rights-of-way, dedications, and easements that prohibit the surface use of the site are deducted.

92. Nonconforming Building or Structure A building or structure or portion thereof, lawfully existing at the time of this ordinance became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.

93. Nonconforming Use A use which lawfully occupied, a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

94. Nuisance, Public The raising of livestock, animals or fowl, if noise, odor, or other objectionable side effects shall result; such other actions as loud or irritating sounds, flashing lights or signs, offensive odor or normally acceptable practices carried on at late hours may also be declared a public nuisance.

95. Nursing Home An institution providing residence and care for the aged.

96. Off-Site Facilities Improvements not on individual lots but generally within the boundaries of the subdivision, which they serve, and as further outlined herein.

97. Official Map Shall mean any map adopted by the Town Council under the provisions of Title 10-9-804 Utah Code Annotated, 1953, as amended.

98. Official Monument Is a stone or other object set in the earth and described by a governmental agency to mark a boundary line or corner.

99. On-Site Facilities Construction of the dwelling and its appurtenant improvements on each lot.

100. Open Space Open space is any open piece of land that is undeveloped.

a. Active: Areas that are primarily used for recreation. Examples are: parks, playgrounds, bike path, tennis courts, roads, picnicking, trails, baseball/soccer fields, grassy areas, parking lots.

b. Passive: Naturally vegetated and functioning ecosystems that may provide environmental benefits to people as well as animals. Examples are: natural landscape with steep areas, lakes, ponds, streams, wetlands, natural drainage areas.

101. Overnight Campground Any area or tract of land used or designed to accommodate two (2) or more vacation trailers, motor coaches, tent trailers, tents, campers, or camping parties wherein such trailers, coaches, tents, campers or camping or camping parties remain overnight.

102. Owner The individual, firm, association, syndicate, partnership, or corporation, holding fee simple title evidenced by a deed recorded in the office of the Rich County recorder.

103. Parcel of Land A continuous quantity of land, in possession of or owned by or recorded as the property of, the same claimant person. Land in one ownership, but physically divided by a public highway, road or street is considered continuous under this definition, and may therefore be used as an individual parcel of land.

104. Park Model: Recreational vehicle designed for year round use. Must be 5 years old or newer, less than 500 sq. ft. (which would require a building permit), no metal roof or metal skirting, must meet current building codes, snow and wind loads, must be connected to culinary water and sewer to each pad. A maximum of one (1) 8' x 10' shed per site is allowed, no metal sheds.

105. Parking Lot An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

106. Parking Space The space within a building, lot or parking lot for the parking or storage of one (1) automobile See Ordinance 11C-304 for parking space specifications..

107. Performance bond is a surety bond issued by an insurance company or a bank to guarantee satisfactory completion of specific public improvements. The bond must be executed by a licensed surety company, registered to do business in the state of Utah which guarantees that the subdivider will perform all actions and install all required improvements or his surety will pay the costs thereof and damages up to the amount of the performance bond. No personal checks shall be allowed as performance bonds.

108. Person Is any individual, corporation, partnership, firm or association of individuals however styled or designated.

109. Phased development - Development of a parcel of land in stages either as a series of subdivisions or as a single parcel with construction of buildings and/or improvements over a series of years.

110. Planned unit development - means development of a discrete parcel or group of parcels of land in which the standard land use regulations may be modified or waived in order to promote beneficial development of an entire tract of land in conformance with an approved planned unit development permit accentuating mixed use, useable open space, recreational uses, public amenities, community housing, and harmonious development with surrounding properties and the county at large. For purposes of this ordinance, a planned unit development may be and hereinafter is referred to as a "PUD" or planned unit development.

111. Planning Commission The planning commission of the Town of Garden City, Utah.

112. Planting strip A strip of land within a subdivision not less than ten (10) feet in width across which there is no driveway, street, or other access, and which is devoted exclusively to landscaping, primarily trees of not less than five feet in height. The primary purpose of planting strips is screening of streets, highways, adjacent incompatible land uses, and off-street parking areas.

113. Plat, final A map of a subdivision, planned unit development (PUD), or dedication, and in conformance with the approved preliminary plat, and prepared in accordance with this ordinance, and Utah Code, as amended or subsequently codified.

114. Plat, preliminary A preliminary plan prepared in conformance with this ordinance submitted together with such other documentation as required by this ordinance.

115. Plat, recorded A final plat which has been accepted by the Council and filed with the Rich County recorder.

116. Prefabricated Housing A house or modular housing or dwelling unit constructed in two (2) or more parts and transported to its permanent site, such dwelling unit conforming to all construction standards of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act.

117. Private or Semi-Private Recreational Vehicle Parks: This type of park has various types of ownership possibilities, such as individual lot ownership (subdivision), condominium, and a unified ownership where memberships are sold.

118. Public hearing notice - Notice of a public hearing before the Council or planning commission published at least seven (7) or no less than fourteen (14) days prior to said meeting in the official newspaper of the Town of Garden City, Utah. Furthermore, all property owners within three hundred (300) feet of the subject property shall be notified by first class mail. Such written notification shall be deemed sufficient if deposited in the mail to all property owners according to the records of the Garden City clerk at least ten (10) days prior to said meeting and public hearing. The notice shall contain a description of the size and location of the subject property and shall inform the reader of the time and place of the meeting at which the public hearing will be held.

119. Private or Semi-private Recreational Vehicle Parks This type of park has various types of ownership possibilities, such as individual lot ownership (subdivision), condominium, and a unified ownership where memberships are sold.

120. Property, Intervening Shall mean property located between the existing utilities and public service facilities, and the property under development.

121. Readjustment of lot lines A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area, frontage, width, depth, or building setback lines of such lot below the minimum zoning requirements and which does not create additional lots or dwelling units. Readjustment of lot lines is intended to include other minor changes to a subdivision, condominium or townhouse plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which do not reduce the area, frontage, width, depth, or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units.

122 Recreational Vehicle An RV is a vehicle designed as temporary living quarters for recreational, camping, travel or season use. RV's may be motorized (motor homes, caravan and camper van) or towable (travel trailers, folding camping trailers, 5th wheel camper trailers, boats with sleeping cabins and truck campers). Off-road vehicles are not included in the RV definition.

123. Recreational Vehicle Park Any site or tract of land under single ownership upon which two or more recreational vehicles are parked for use and not storage purposes, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such parks.

124. Recreational Vehicle Space A parcel of ground in a Recreational Vehicle Park intended to be leased or rented or used as a place to park a recreational vehicle for leisure purposes.

125. Roadway: Is a thoroughfare road which has been designed and constructed for

public or private use by proper public authority; a road dedicated or abandoned to the public and accepted by proper public authority, a road which has been made public by right of use and which affords the principal access to abutting property or public lands.

126. Roadway, Access: A means for a motor vehicle to move from roadway to roadway or between private property and the public roadway.

127. Roadway, Alley: An existing or proposed public road having a minimum right of way width of thirty (30') feet, which serves as a secondary means of access to abutting property.

128. Roadway, Arterial: An integrated network of continuous routes that serves to link cities and towns and provide for statewide and interstate travel. Arterials roads provided for travel density greater than collector and local roadway systems.

129. Roadway, Cul-de-sac: A public or private roadway having one open end, and terminated at the other end with a circle not less than 96' in diameter. The roadway leading to the cul-de-sac may not exceed 1000' in length as measured from the center of the intersection of a connecting through street to the center of the turnaround area. Any deviation of this ordinance will require the approval of the local Fire Authority.

130. Roadway, staff portion of flag lot: A road having a minimum right of way width of thirty (30') feet and maximum length of one hundred fifty (150') and meeting Garden City road standards that serves to access the flag portion of the lot.

131. Roadway, Local: An existing or proposed road having a minimum right of way width of fifty (50') feet with limited continuity that serves a smaller number of dwellings and the local needs of the neighborhood.

132. Roadway, Major Collector: An existing or proposed road having a minimum right of way width of one hundred (100') that prohibits on-road parking and serves to convey a high volume of traffic between arterial, minor collectors, and local roads.

133. Roadway, Minor Collector: An existing or proposed road having a minimum right of way width of sixty (60') feet that serves to convey traffic to more dwellings and includes through traffic between local roads and major collectors.

134. Roomer: One who occupies a hired room in another's house.

135. Set Back. The separation between a building and an adjacent lot line or an imaginary lot line separating buildings in the case of multiple buildings on the same property.

136. Sign means and includes every advertising message, announcement, declaration, demonstration, merchandise display, illustration, insignia, surface or space erected, indirectly illuminated, or forced air, or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service, and shall include the sign structure, supports, lighting system, indirect illumination, and any attachments, ornaments, or other features used to draw the attention of observers. Sign does not include any flag, badge, or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

a. Alter. Any change to a sign other than general maintenance or altering of changeable copy.

b. Clear View Area. An area near a driveway or street corner.

c. Community Use. The uses which have the primary purpose of serving the educational, recreational, religious, or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries, and other similar uses.

d. Flag, Banners. A flag or banner made of flexible materials.

e. Front Footage of Building Occupancy. A single lineal dimension measured horizontally along the front major entrance of a building which defines the limits of a particular occupancy at the location.

f. Frontage. The distance between the two (2) side lot lines of a parcel measured along the street or streets of a corner lot which the parcel is allowed access.

g. Height of Sign. The vertical distance measured from the average grade to the highest point of said sign.

h. Occupancy. A separate use of property carried on at all or a portion of a building or parcel.

i. Product. Any item that is actually for sale by the business.

j. Setback. The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof. For the purposes of this Title "setback" for signs shall be from the leading edge of the sign.

k. Sign, area of. The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed: excluding the necessary supports or uprights on which such sign is placed. Further, where a sign consists only of individual letters, numbers, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the square or rectangles surrounding each individual sign component.

l. Sign, Campaign. A sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

m. Sign, Construction. A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project.

n. Sign, Directional. Means any sign which serves wholly to designate the location or direction of any place or area on the premises to which it pertains.

o. Sign, electronic variable message. A sign that has an electronic message display that can be changed.

p. Sign, home occupation. A sign associated with a legally approved home business.

q. Sign, identification. A sign which serves to tell only the name, address, and lawful use of the premises upon which it is located. A bulletin board of a public charitable, or religious institution used to display announcements relative to meetings held on the premises shall be deemed an identification sign.

r. Sign, intensely lighted. A sign which is obtrusive to the surrounding area because of its intensity or blinking.

s. Sign, memorial. A sign or tablet that states the manes of buildings or the date of the buildings erection and cut into the surface or façade of a building.

t. Sign, neighborhood identification. A permanent sign that only designates the neighborhood or tract name.

u. Sign, nonconforming. A sign legally existing at the time of its erection or prior to the effective date of this Title which does now not conform with use regulations of the district in which it is located.

v. Sign, off-premise. Any sign not located on the premises of the business or entity indicated or advertised by said sign. This definition shall include billboards, poster panels, painted bulletins, and other similar advertising displays. Products and brands sold at a business are not considered off-premise.

w. Sign, permanent. A sign which is permanently affixed to the ground with a footing designed to meet the requirements of the sign ordinance as well as the International Building Code.

x. Sign, projecting. Any sign which is located, in whole or in part, in or over the right-of-way of any street, sidewalk, alley, or other public thoroughfare.

y. Sign, public necessity. A sign informing the public of any danger or hazard existing on or adjacent to the premises.

z. Sign, real estate. A sign related to the property upon which it is located and offering such property for sale or lease.

aa. Sign, subdivision development. A sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of a project.

bb. Sign, trespassing. Any sign which warns against the trespassing onto a parcel of property or structure.

cc. True Value. The cost of materials and labor to replace the sign structure.

137. Solar access Unobstructed access to direct sunlight upon land or a building.

138. Stable, Private A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration; hire or sale.

139. Stable, Public A stable other than a private stable.

140. Stand Alone, (Phasing) – Individual phases of the development plan in a

Commercial development, Subdivision, PUD/PRUD must meet all infrastructure requirements when that phase is completed. Those infrastructure requirements must be maintained for each completed phase throughout construction of any additional phases either by keeping the original infrastructure intact or by construction of alternate infrastructure which meets the requirements.

141. Standard specifications for design and construction of improvements as specified in this Ordinance or other ordinances or resolutions of the Town of Garden City, or by any other governmental entity having jurisdiction thereof, including subsequent amendment or codification.

142. State The State of Utah.

143. Story The space within a building included between the surface of a floor and the surface of the ceiling next above.

144. Story, Half A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

145. Street A public thoroughfare which affords principal means of access to abutting property, and is more than thirty (30) feet wide. A public right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term street also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and all such terms, except driveway as herein defined.

146. Street, arterial A Street designated for the purpose of carrying fast and/or heavy traffic.

147. Street, collector A Street designated for the purpose of carrying traffic from residential streets to other collector streets and/or arterial streets.

148. Street, cul de sac A dead-end street provided with turnaround space at its terminus.

149. Street, dead-end A Street connected to another street at one end only and not having provision for vehicular turnaround at its terminus.

150. Street, frontage A minor street, parallel to and adjacent to an arterial street which has the primary purpose of providing access to abutting properties.

151. Street, loop A residential street with both terminal points on the same street of origin.

152. Street, partial A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land where remaining right-of-way widths can be obtained from adjacent properties where said properties are subdivided.

153. Street, private A street constructed on private property, which provides vehicular and pedestrian access to multiple family dwelling units or more than four (4) dwelling units (excluding accessory dwelling units) and constructed to standard street specifications and International Fire Code, however, not accepted for dedication or maintenance by the Town.

154. Street, residential A minor street which has the primary purpose of providing access to abutting residential dwelling units or properties and carries no heavy, through, or collector traffic.

155. Structure Anything constructed or erected, which requires location on the ground

or attached to something having a location on the ground.

156. Structural Alterations Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.

157. Subdivision. Shall mean the division of a tract, or lot or parcel of land into two or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment provided, however, that divisions of land for agricultural purposes shall be exempt.

158. Subdivider The individual, firm, corporation, partnership, association, syndicate, trust, or any other legal entity that files application and initiates proceedings for subdivision of land in accordance with provisions of this ordinance. If the subdivider is not the owner of the property he shall be the agent of the owner as evidenced by a recorded power of attorney for said purpose.

159. Tent. A tent is for temporary use and can be up for no more than ten (10) consecutive days. At the end of the 10 days the tent must be removed for 10 days before it can return; with the exception of a conditional use permit approval.

160. Town Shall mean the Town of Garden City.

161. Townhouse development A planned project of two or more townhouse units that may be constructed as single building(s) containing two or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one-hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse sublot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance.

162. Townhouse sublots The lots resulting from platting a townhouse development. Townhouse sublots shall have a minimum area equal to that of the perimeter of each individual townhouse unit measured at the foundation whether located independently or within a building containing two or more townhouse units in a townhouse development. Said sublots shall not be buildable for structures other than a townhouse unit as defined herein. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. Detached garages may be allowed in a townhouse development and may be platted on separate sublots, provided that the ownership of said detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

163. Townhouse unit One or more rooms, including a bathroom, and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse sublot.

164. Trailer Camp A mobile home park.

165. Trailer House A mobile home.

166. Twenty-five (25) percent grade one-foot change in elevation for every four feet of land measured horizontally.

167. Use, Accessory A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

168. Utilities Installations for providing services to and used by the public, e.g., water, sewer, electricity, gas, television, cable, and similar facilities.

169. Vacation Trailer, Camper, Motor Coach, Tent Trailer A vehicle with or without motive power or wheels, designed to be used for temporary or seasonal human habitation.

170. Variances Any person or entity desiring a waiver or modification of the requirements of the Land Use Ordinance as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the land use ordinance. A variance runs with the land.

171. Veterinary or Animal Hospital A building and runs where both large and small animals are kept and/or treated by a licensed veterinarian.

172. Vicinity map A small map showing the location of a tract of land in relation to the City, including existing major streets and highways and surrounding subdivision(s) or large parcels of land.

173. Waiver Modification of a relevant provision and regulation of this ordinance not contrary to public interest or public health, safety, or welfare, and due to physical characteristics of the particular parcel of land and not the result of actions of the subdivision where literal enforcement of this ordinance would result in undue hardship. The granting of waiver(s) shall be upon written application and the granting thereof rests with the sound discretion of the Board of Adjustment and Council, on a case-by-case basis.

174. Watercourse A natural depression or channel which carries or gives direction to a current of water any time of the year.

175. Water Rights and Connections Will be determined by the Town Ordinances and the Town Water Rights Engineer.

176. Width of Lot The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

177. Yard A space on a lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

178. Yard, Front A space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot line, and extending across the full width of the lot.

179. Yard, Rear A space on the same lot with a building, between the rear line of the building (exclusive of steps and chimneys) and the side line of the lot extending from the front yard line to the rear yard line

180. Yard, Side A space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot extending from the front yard line to the rear yard line.

181. Yurt. A Yurt is permanent and stays up year-round. They are not allowed in established subdivisions or beach front property. They can only go on one parcel of land with a minimum of 5 acres. They are only allowed where there are no utilities offered and/or road established. They must meet the current snowload and need a building permit. The owner will need to sign a paper stating they

understand that no utilities are offered there.

182. Zone Synonymous to District.

183. Zoning Ordinance shall mean the Zoning Ordinance for the Town of Garden City.

(This was updated April, 2018)

CHAPTER 11A-300 Annexation and Re-Zone Changes and Amendments

11A-301 Areas Annexed.

A. New areas annexed to Garden City, Utah shall be classified and zoned by the Town Council in accordance with this ordinance to best suit the interests of the community.

B. The Town Council shall have the authority to pre-zone properties lying outside of the town limits to determine, in advance of annexation, the zone or zones into which such property should be zoned upon annexation. The Planning Commission may recommend pre-zones of an area to the Town Council.

C. All annexations to the town shall comply with all laws and requirements of the town and all laws and requirements of the state relative to annexation of land.

D. Annexation fees will be set by resolution.

11A-302 Changes and Amendments. The Zoning Ordinance, including the maps, may be amended from time to time. The proposed zoning amendments shall comply with all laws and requirements of the town and all laws and requirements of the state relative to re-zoning of land.

Updated November 14, 2013.

CHAPTER 11A-400 Limits and Penalties

11A-401 Permits to Comply With Ordinance. From the time of the effective date of this ordinance, the Building Inspector shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of the ordinance nor shall any officer grant any permit or license for the use of any building or land if such use would be in violation of this ordinance.

11A-402 Licensing. All departments, officials and public employees which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance, and any such permit or license if used in conflict with the provisions of this ordinance, shall be null and void.

11A-403 Penalties. Any person, firm or corporation whether as principal, agent, employee or otherwise violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a misdemeanor, such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continues or permitted by such person, firm or corporation.

11A-404 Validity. Should any section, clause, or provisions of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

11A-405 Land Use Approval Limits. Approvals or authorization shall not be issued, to any person or entity, if any part of a prior approved Town project or development phase issued to the same person or entity is incomplete. Also, all fees and past due balances, related or unrelated to requested approval, must be paid in full prior to the Town accepting a new application from the same person or entity.

1. Exceptions. Approval may be given upon recommendation of the Planning Commission and a unanimous vote of the Town Council or in case of an emergency.

CHAPTER 11A-500 Architectural Standards

Has been rescinded. Look in Commercial Zone (11C-1508) – Architectural Standards.

Chapter 11A-600 - Dark Sky Ordinance

11A-601 Title - This ordinance together with the amendments thereto, shall be known and may be cited as the Garden City Dark Sky Ordinance.

11A-602 Purpose - The general purpose of this Ordinance is to protect and promote safety and the ability to view the night sky, by establishing regulations for exterior lighting. This Ordinance establishes standards for exterior lighting in order to accomplish the following:

A. To protect against direct glare and excessive lighting;
B. To promote safe roadways for motorists, cyclists and pedestrians;
C. To protect the ability to view the night sky;
D. To allow for flexibility in the style of lighting;
E. To provide lighting guidelines.

11A-603 Scope - All exterior lighting installed after the effective date of this Ordinance in any and all zoning districts in the Town of garden City shall be in conformance with the requirements established by this Ordinance.

11A-604Criteria - The Planning Commission shall have the authority to require new lighting to meet the recommendations and guidelines of this Ordinance.

A. All area lights, including street lights, parking area lights and landscape lights to be shielded from shining up.

B. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Sensor activated lights are encouraged.
C. Upward Flagpole lighting is permitted.
D. Landscape lighting is allowed.
E. All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

11A-605 Violations - A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty established by resolution.

11A-606 Repealer Clause - All Town of Garden City Ordinances or Resolutions or parts thereof which are in conflict herewith are hereby repealed.

(This was updated December 10, 2015)

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CHAPTER 11B - ADMINISTRATION

This section of the Land Use Ordinance, Title 11, sets the guidelines for each Board as a Land Use Authority only, any other functions or authority will be described under separate ordinance. Each Board, described herein, is given specific authority as it related to each type of land use application.

CHAPTER 11B-100 Town Council

11B-101 Governing Body. See Title 3 Municipal Government, Chapter 3-100.

11B-102 Powers and Duties as the Town Council Land Use Authority. The Town Council shall be the Land Use Authority for:

A. Legislative Land Use Authority;

B. Administrative Land Use;

C. Appeals Authority for appeals from decisions made by the Planning & Zoning Commission.

D. The Town Council shall hear and make final decisions for:

1. Approval of the General Plan.

3. Approval of legislative zoning.

4. Approval or denial of all subdivision plans.

5. Approval or denial of annexation request.

6. Approval or denial of dedicating, widening, extending, or otherwise changing streets, roads or highways; and/or,

7. Approval, denial or review of staff administrative decisions.

E. Any other land use authority given to the Town Council by ordinance, state or federal law.

11B-103 Decision and Notification of Decision. A land use decision is rendered when the Town Council's decision is reduced to writing and filed with the Town Recorder. The notification of a land use decision made by the Town Council will be signed by the Mayor, sent to the applicant and filed with the Town Recorder within thirty (30) days from the time the decision is rendered.

11B-104 Repealer. All Ordinances or parts of the ordinance in conflict herewith are hereby repealed.

11B-105 Severability Clause. If any portion of this Ordinance shall be declared invalid by a Court of competent jurisdiction, such decision shall not affect the remainder of this Ordinance.

CHAPTER 11B-200 Planning Commission

11B-201 Planning Commission.

A. Membership of the Commission. There is hereby created a Commission to be known and designated as the Planning and Zoning Commission, which said Commission shall consist of seven (7) voting members and one (1) alternate member. All voting members shall be residents of Garden City. At least 4 of the 7 members shall hold no other public office or position within the Town. Members shall be selected without respect to political affiliation and shall be made on a basis, which fairly represents the interests of all residents of Garden City. Members of the Commission shall be appointed by the Mayor and confirmed by the Town Council at the beginning of the calendar year. Additional ex officio members may be appointed by the Mayor and confirmed by the Town Council. Ex officio members will be without voting power and may include the following: City Attorney, District Health Sanitarian, Building Inspector, Town Code Enforcer, a member of the Garden City Town Council, and any other persons appointed by the Mayor and confirmed by the Town Council.

B. Compensation. The members of the Planning Commission shall serve and be compensated as per resolution. The Town Council shall provide for the reimbursement of the Members of the Planning Commission for reasonable expenses incurred in performing their duties as members of the Planning Commission.

11B-202 Appointment and Term of Office.

A. Term of Office. The term of office of the members of the Planning Commission, with the exception of the ex officio member, shall be 4 years, and then until their respective successors shall have been appointed. The alternate shall serve a two-year term. There is no limit to the number of terms a member may serve.

B. Vacancies occurring otherwise than through the expiration of terms shall be filled By the Mayor and confirmed by the Town Council for the balance of the unexpired terms.

C. Ex Officio Term. Ex officio member terms shall be determined by the Mayor and confirmed by the Town Council.

D. Misconduct or Nonperformance of Duty. Upon a majority vote in a public meeting the Town Council may remove from office any member of the Planning Commission for misconduct or nonperformance of duty. Un-excused absence from three consecutive regular meetings of the Planning Commission shall constitute non-performance of duty, and he/she is expected to immediately submit an explanation of the absences to the Town Council and Planning Commission. The Council, upon examination of the letter of explanation, if one is submitted, may ask for the resignation of the offending member.

11B-203 Officers. The officers of the Planning and Zoning Commission shall consist of a Chairman, Vice-Chairman, and Secretary. No ex-officio member of the Commission shall serve as Chairman or Vice-Chairman. If the office of secretary is filled by an ex-officio member or a non-member of the Commission, the office shall not entitle the secretary to any voting privileges or other regular board member privileges. On the first meeting date of January, every two (2) years (each even year) the Commission shall meet and organize by electing a Chairperson and a Vice-Chairman to serve as such for two (2) years. Any member may be re-elected for an additional term as Chairperson or Vice-Chairperson. If for any reason, the position of Chairperson or Vice-Chairperson is vacated before the elected member's term has expired, the Planning Commission shall elect from among its members a successor, who shall serve for the remainder of the un-expired term. The secretary shall be appointed by the Mayor at any time.

The duties and powers of the officers of the Planning Commission shall be as follows:

A. Chairman:

1. To preside at all meeting of the Commission and conduct meetings in a fair manner.
2. To call special meetings of the Commission in accordance with this ordinance.
3. To sign documents of the Commission.
4. To see that all actions of the Commission are properly taken.
5. To limit any presentation that comes before the commission to a reasonable amount of time.

6. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting secretary if the Mayor has not already done so.

B. Vice-Chairman:

1. The Vice-Chairman shall perform all duties of the Chairman in the absence of the Chairman.
2. The Vice-Chairman shall perform such duties the Chairman may direct.

C. Secretary:

1. To keep the minutes of all meetings of the Commission in an appropriate minute book or by electronic means.
2. To give or service all notices required by law or ordinance.
3. To be custodian of Commission records.
4. To prepare vouchers for the Commission in accordance with its directives, the law and City regulations.
5. To keep record of all appointments and terms of membership.
6. To send out agendas of all meetings of the Commission.

11B-204 Meetings.

A. Regular Meetings. The Commission shall meet monthly at the Garden City Offices or at such other reasonable location(s) within Garden City to conduct public hearings as the Commission, or a majority thereof, shall determine.

B. Special Meetings. Special meeting may be called by the Chairman. It also shall Be the duty of the Chairman to call a special meeting when requested to do so by a majority of the entire membership of the Commission. The Secretary shall notify all members at least five (5) business days in advance of such meetings or one day in advance for emergency matters if a majority of the entire membership is agreeable to the meeting. A fee for special meetings is required to be paid by the applicant(2) as set by resolution.

C. Open Meetings. All meetings shall be held in accordance with the "Open and Public Meetings Act" of Utah State Code, or any successor statute enacted in its place.

D. Meeting Rules. Unless otherwise specified herein, the Commission will conduct its meetings under Robert's Rules of Order. The Commission may, at its discretion and with a two-thirds vote of the members present, may waive the formality of Roberts Rules of Order if it deems appropriate. The Commission may adopt such meeting rules and regulations as it deems necessary to carry into effect the provisions and purposes of this Ordinance. The Commission may expel any person who is disorderly during the meeting by a two-thirds vote of the present Commission Members.

E. Public Hearings. In addition to all Public Hearings required by law, the Commission may hold public hearings whenever at least two Commission

members decide that such hearings will be in the public's interest. Public Hearings will be noticed as required by Utah Code.

F. Agenda. To place any item on the Commission agenda for official action all appropriate forms and documents must be provided to the Commission Secretary or a Town Clerk no later than noon on the day fourteen (14) days prior to the scheduled meeting, and all fees must be paid before any matter is considered by the Commission. The Secretary shall distribute all forms and documents at least ten (10) days before the meeting. The chairman will introduce items on the agenda in order, unless the chairman feels there is a good reason to go out of order.

G. Minutes. The Planning Commission shall keep minutes of its proceedings, including those speaking before the Commission and showing the vote of members upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the recorder/clerk, which shall be the office of the Planning Commission, and shall be a public record.

H. Quorum defined. Four (4) members of the Planning Commission shall constitute a quorum. An alternate member may be counted as part of the membership for a quorum.

11B-205 Voting.

A. How Taken. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

B. Minimum Vote Required. No less than four (4) "yes" votes are required for passage of any action, except to adjourn the meeting to a subsequent date.

11B-206 Reconsideration. Any action taken by the Commission may not be reconsidered or rescinded at any special meeting unless the number of members of the Commission present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

11B-207 Action to be taken. Approval or disapproval, rejection, or modified approval of an application shall be based upon findings which shall be made a part of the official record. Decisions of the Planning Commission become effective at the meeting in which the decision is made or unless Town Council approval is first required.

11B-208 Powers and Duties. The Planning Commission shall be the Land Use Authority that:

A. Prepares and recommends the General Plan and amendments to the General Plan to the Town Council;

B. Prepares and recommends to the Town Council, land use ordinances and maps, and amendments to land use ordinances and maps, which conform to the provisions of the General Plan adopted by the Town Council;

C. Administers provisions of the land use ordinance, where specifically provided for in the land use ordinance adopted by the Town Council;

D. Prepares and recommends to the Town Council, the zoning map and zoning ordinances, which conform to the provisions of the General Plan adopted by the Town Council;

E. Prepares and recommends to the Town Council, subdivision regulations and amendments to those regulations, which conform to the provisions of the General Plan adopted by the Town Council;

F. Recommends to the Town Council, approval or denial of development proposals;

G. Prepares and recommends to the Town Council, the Annexation Policy Declaration and area for annexation;

H. Advises the Town Council on matters as the Town Council directs and hears, or decides any matters that the Town Council designates and as otherwise authorized by state law;

I. Assists the Town Council with the creation of an Appeal Authority for the Town of Garden City;

J. Assists the Town Council with the creation of a Housing Authority for the Town of Garden City;

K. Conduct such public hearings as are required by law or as may be deemed necessary by the Planning Commission;

L. The Planning Commission recommends to the Town Council to employ experts and a staff, and to pay such expenses as may be reasonable and necessary for carrying out the duties of the Planning Commission, but not in excess of such sums as may be appropriated by the Town Council;

M. The Planning Commission or its authorized agents may enter upon any land, public or private, at reasonable times to make examinations or surveys;

N. The Planning Commission hears and recommends to the Council:
1. The approval or denial of rezones

2. Review of non-conforming uses and structures
3. Administrative application decision
4. Vacating, changing and amending plats of subdivisions.

O. The Planning Commission hears and decides any matters that the Town Council designates, including:

1. The approval or denial of conditional use permits.

P. Recommend to the Town Council, suggestions concerning the laying out, widening, extending, and locating of streets, roads, and highways for the relief of traffic;

Q. Recommend to the Town Council any requests to vacate or change a street(s); and

R. Exercises other powers that are necessary to enable it to perform its function, or that are delegated to it by the Town Council.

11B-209 Procedure to be Followed By Applicants. All requests must be filed with the Town Clerk or Commission Secretary at least fourteen (14) days prior to the meeting. Requests must be provided on an application form provided by the Town and including the following:

A. The applicant's name, address, and phone number;

B. The town street address and/or parcel number of the property involved;

C. A legal description and current ownership plat of the property (May be obtained from the County Recorder);

D. Seventeen (17) copies of a plot plan that are a minimum 11" x 17" and three (3) copies that are 24" x 36". All copies must show all the items as required per the applicable ordinance. Subdivisions may have additional requirements (See applicable ordinance);

E. A statement of the request with all necessary supporting evidence;

F. Record of payment of the applicable fee as set by resolution.

11B-210 Notification of Decision. The notification of decision will be signed by the Chairperson and sent to the applicant and the Town Council and filed with the Town Recorder.

11B-211 Conformance with General Plan. Upon adoption of the General Plan by the Town Council, thereafter, no street, park or other public way, ground, place or space; no public building or structure; and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to the

General Plan, and shall have been submitted to and approved by the Planning Commission. In the case of disapproval, the Planning Commission shall communicate its reasons to the Town Council, which may, by a vote of not less than a majority of its entire membership, overrule such disapproval.

The widening, narrowing extension, relocation, removal, vacation, abandonment, change of use, acceptance, acquisition, sale, or lease of any land, street or public way, or any property or structure shall be subject to similar submission to, and approval by, the Planning Commission. Disapproval may be similarly overruled. Failure by the Planning Commission to act to: approve; approve subject to conditions; disapprove; or review for further consideration within forty-five (45) days from and after receipt of complete official submission shall constitute approval.

11B-212 Repealer. All Ordinances or parts of ordinance in conflict herewith are hereby repealed.

11B-213 Severability. If any portion of this Ordinance shall be declared invalid by a Court of competent jurisdiction, such decision shall not affect the remainder of this Ordinance.

This ordinance approved October 10, 2019.

CHAPTER 11B-300 Board of Adjustment

11B-301 Board of Adjustment. The Board of Adjustment shall consist of five (5) members and whatever alternate members that the Mayor considers appropriate and which shall constitute a quorum. One member, but not more than one member of the Planning Commission shall be a member of the Board of Adjustment. Members of the Board of Adjustment shall be appointed by the Mayor and confirmed by the Town Council. In addition, there may be one (1) ex-officio member to be appointed by the Mayor and confirmed by the Town Council. This ex officio member will be without voting power and shall be a member of the Garden City Town Council.

The members of the Board of Adjustment shall serve and be compensated as per resolution. The Town Council shall provide for the reimbursement of the members of the Board of Adjustment for reasonable expenses incurred in performing their duties as member of the Board of Adjustment.

11B-302 Appointment and Term of Office. The Mayor, with the advice and consent of the Town Council, shall appoint the members at the beginning of the calendar year for a term of five (5) years, provided that the term of one (1) member shall expire each year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. No more than two (2) alternate members may sit at any meeting of the Board of Adjustment at one time.

The Mayor with the advice and consent of the Town Council may remove any member of the Board of Adjustment for cause if written charges of nonattendance of three duly called meetings of the board or if non- performance are filed against the member with the Mayor. The Mayor shall provide the member with a public hearing if he/she requests one.

11B-303 Organization. The Board of Adjustment shall organize and elect a Chairperson and Vice-Chairperson from among its members, whose terms shall be for one (1) year, or until replaced. In the absence of the chairperson or vice chairperson, the quorum shall elect a chairperson pro-tem for that meeting. Any member may be re-elected for an additional term as Chairperson or Vice Chairperson. There is no limit to the number of terms a member may serve as Chairperson or Vice Chairperson. If for any reason, the position of Chairperson is vacated before the elected member=s term has expired, the Board of Adjustment shall elect from among its members a successor, who shall serve for the remainder of the un-expired term.

11B-304 Meetings. The Board of Adjustment shall meet no less than 10 working days and no more than 15 working days after receiving an application requesting a variance, and at any other times that the Board may determine.

A. All meetings of the Board of Adjustment shall comply with the provisions of Section 52-4-1 UCA (1953 edition), as amended, entitled "Open and public meetings", or any successor statute enacted in its place.

B. All meetings shall be properly advertised and shall be open to the public.

C. Notice shall be mailed to all property owners appearing on the latest ownership plat in the Rich County Recorders Office within a 100-foot radius of any property which an action of the Board of Adjustment is being requested. A fee set by resolution must accompany the application to meet the expense of this notification requirement.

11B-305 Minutes. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of the members on each question, or if absent or failure to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed with the Garden City Recorder and shall be public record.

11B-306 Quorum and Vote. A quorum shall be considered three (3) members of the Garden City Board of Adjustment, and no business shall be conducted unless a quorum is present. The concurring vote of three (3) members shall be necessary to decide to remove any order, requirement, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code or to effect any variation in the provisions of this Code.

Decisions of the Board of Adjustment become effective at the meeting in which the decision is made, unless a different time is designated by the Board at the time the decision is made.

11B-307 Action to be taken. Approval or disapproval, rejection, or modified approval of an application shall be based upon findings which shall be made a part of the official record.

11B-308 Powers and Duties. The powers and duties of the Board of Adjustment shall be the Land Use Authority as follows:

A. To hear and decide special exceptions to the terms of the Land Use Ordinance upon which such Board is required to pass under the provisions of this Code.

B. To hear and decide nonconforming/non-compliance use issues.

C. To hear and decide variances from the terms of the Land Use Ordinance.

1. Variances: Any person or entity desiring a waiver or modification of the requirements of the Land Use Ordinance as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the land use ordinance. A variance runs with the land.

2. The Board of Adjustment may grant a variance only if each of the following conditions are met:

   a. Literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the Land Use Ordinance;
   b. There are special circumstance attached to the property that do not generally apply to other properties in the same zone area;
   c. Granting the variance is essential to the enjoyment of substantial property right possessed by other property in the same zone area;
   d. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and
   e. The spirit of the Land Use Ordinance is observed and substantial justice done.

3. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under subsection 2, above, the Board of Adjustment may not find unreasonable hardship unless alleged hardship:

   g. Is located on or associated with the property for which the variance is sought; and
   h. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

4. In determining whether or not enforcement of the Land Use Ordinance would cause unreasonable hardship under subsection 2, above, the Board of Adjustment may not find unreasonable hardship if the hardship is self-imposed or economic.

5. In determining whether or not there are special circumstances attached to

the property under subsection 2, above, the Board of Adjustment may find that special circumstances exist only if the special circumstances:

a. Relate to the hardship complained of; and
b. Deprive the property of privileges granted to other properties in the same district.

6. The applicant shall bear the burden of proving all of the conditions justifying a variance have been met.

7. The Board of Adjustment may not grant use variances.

8. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:

a. Mitigate any harmful affects of the variance; or
b. Serve the purpose of the standard or requirement that is waived or modified.

9. A Variance Permit which has been issued by the Board of Adjustment will expire unless building commences prior to 18 months after variance is issued.

11B-309 Notification of Decision. The notification of decision will be signed by the Chairperson and sent to the applicant and the Town Council and filed with the Town Recorder. Decision is rendered when filed with the Town Clerk.

11B-310 District Court Review of Board of Adjustment Decision. Any person adversely affected by any decision of the Board of Adjustment may petition to the district court for review of the decision.

A. In the petition the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious, or illegal.

B. The petition is barred unless it is filed within 30 days after the Board of Adjustment's decision is final.

11B-311 All Ordinances or parts of ordinance in conflict herewith are hereby repealed.

11B-312 If any portion of this Ordinance shall be declared invalid by a Court of competent jurisdiction, such decision shall not affect the remainder of this Ordinance.

CHAPTER 11B-400 Appeal Authority

11B-401 Appeal Authority. There is hereby created a Board to be known and designated as the Appeal Authority, which said Board shall consist of three (3) voting members, and one alternate member. Members of the Board shall be appointed by the Mayor and confirmed by the Town Council

The Appeal Authority shall consist of 3 residents of Garden City. Members shall be selected without respect to political affiliation.

The members of the Appeal Authority shall serve and be compensated as per resolution. The Town Council shall provide for the reimbursement of the members of the Board for reasonable expenses incurred in performing their duties.

11B-402 Appointment and Term of Office. The term of office of the members of the Appeal Authority shall be 3 years, and then until their respective successors shall have been appointed. The alternate shall serve a two-year term. Appointments shall be made at the beginning of the calendar year. Appointments to the Appeal Authority shall be made on a basis which fairly represents the interests of all residents of Garden City.

Vacancies occurring otherwise than through the expiration of terms shall be filled by the Mayor and confirmed by the Town Council for the balance of the un-expired terms. Any member may be re-appointed for an additional term. There is no limit to the number of terms a member may serve.

Upon a majority vote in a public meeting, the Town Council may remove from office any member of the Appeal Authority for misconduct or non-performance of duty. Unexcused absence from three consecutive meetings of the Board shall constitute non-performance of duty.

11B-403 Organizations. The Appeal Authority shall meet no less than 10 working days and no more than 15 working days after receiving an appeal and at any other times that the Board may determine. The Board shall adopt such rules and regulations as it deems necessary to carry into effect the provisions and purposes of this Ordinance.

On the first meeting date of each year the Appeal Authority shall meet and organize by electing a Chairperson and a Vice-Chairperson to serve as such for one (1) year. Any member may be re-elected for an additional term as Chairperson or Vice-Chairperson. There is no limit to the number of terms a member may serve as Chairperson or Vice-Chairperson. If for any reason, the position of Chairperson or Vice-Chairperson is vacated before the elected member's term has expired, the Board shall elect from among its members a successor, who shall serve for the remainder of the un-expired term.

11B-404 Meetings. The Appeal Authority shall hold meetings and meet at the Garden City Offices or at such other reasonable location(s) within Garden City to conduct public meetings as the Committee, or a majority thereof, shall determine. Meetings shall be held in accordance with the provisions of Section 52-4-1 UCA (1953 edition), as amended, entitled "Open and public meetings", or any successor statute enacted in its place.

11B-405 Minutes. The Appeals Authority shall keep minutes of its proceedings, showing the vote of members upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the recorder/clerk, which shall be the office of the Appeals Authority, and shall be a public record.

11B-406 Quorum. Two (2) members of the Appeal Authority shall constitute a quorum. An alternate member may be counted as part of the membership for a quorum. A majority of the voting members present at a meeting at which a quorum is present shall be required for any action. No less than two (2) votes are required for passage of any action.

Decisions of the Appeal Authority become effective at the meeting in which the decision is made, unless a different time is designated by the Board at the time decision is made.

11B-407 Action to be taken. Approval or disapproval, rejection, or modified approval of an application shall be based upon findings which shall be made a part of the official record.

11B-408 Powers and Duties. The powers and duties of the Appeal Authority shall be to hear appeals of an applicant or any other person or entity adversely affected by a decision for the following:

A. Policy Plan;
B. Administrative Decisions;
C. Conditional Use Permits;
D. Annexation Applications;
E. Plat Amendments and Vacated

11B-409 Notification of Decision. The notification of decision will be signed by the Chairperson and sent to the applicant and the Town Council and filed with the Town Recorder.

11B-410 Standards for Review of Appeals.

A. An applicant or any other person or entity adversely affected by a decision of a Land Use Authority administering a decision of any of the list of 11B-408 A-E, may appeal such decision to the Appeal Authority. An appeal must be made within thirty (30) days from the date of such thereof. When an appeal is taken from a decision the Recorder shall forthwith transmit to the Appeal Authority all papers, if any, constituting the record upon which the action appealed was taken from.

B. An appeal filed in accordance with this section stays all proceedings in the appeal action, unless the officer from whom the appeal is taken certifies to the Appeal Authority that by reason of facts stated in the certificate the stay would in his/her opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Appeal Authority or by the district court on application and notice and on due cause shown.

C. The Appeal Authority shall fix the time for hearing any appeal no less than ten (10) working days and no more than fifteen (15) working of the date of filing such appeal with the Town Recorder and shall give public notice thereof in accordance with the Utah Open and Public Meetings Act, as well as notice to the parties in interest.

D. Proceedings and hearings before the Appeal Authority shall be had pursuant to rules adopted by the Town and in conformance with general principles of due process. Any party in interest may appear at such hearing in person, by agent, or by an attorney of his/her choice.

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

F. A person may not appeal, and the Appeal Authority may not consider, any zoning ordinance amendments.

G. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

<u>11B-411 Decision on Appeal.</u> In exercising the above-mentioned powers the Appeal Authority may affirm, wholly or partly, or may modify the order, requirement, decision or determination of a Land Use Authority.

<u>11B-412 District Court Review of Appeal Authority Decision.</u>

A. Any person adversely affected by any decision of the Appeal Authority may petition the district court for a review of the decision.

B. In the petition, the plaintiff may only allege that the Appeal Authority's decision was arbitrary, capricious, or illegal.

C. The petition is barred unless it is filed within 30 days after the Appeals Authority's decision is final.

D. The Appeals Authority shall transmit to the district court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.

E. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.

F. If there is a record, the district court's review is limited to the record provided by the Appeal Authority.

G. The court may not accept or consider any evidence outside the Appeal Authority record unless that evidence was offered to the Appeal Authority and the court determines that it was improperly excluded by the Appeal Authority.

H. If there is no record, the court may call witnesses and take evidence.

I. The court shall affirm the decision of the Appeal Authority if the decision is supported by substantial evidence in the record.

J. The filing of a petition does not stay the decision of the Appeal Authority

K. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending district court review if the appeal authority finds it to be in the best interest of the Town.

11B-413 All Ordinances or parts of ordinance in conflict herewith are hereby repealed.

11B-414 If any portion of this Ordinance shall be declared invalid by a Court of competent jurisdiction, such decision shall not affect the remainder of this Ordinance.

CHAPTER 11B-500 Building Inspector

11B-501 Building Inspector to Enforce. The Building Inspector(s) are hereby designated and authorized as the officer charged with the enforcement of this ordinance; from time to time such administration may be entrusted in whole or part to any other officer without amendment to this ordinance.

11B-502 Powers and Duties of Building Inspector. It shall be the duty of the Building Inspector to inspect or cause to be inspected all buildings in course of construction or repair. He shall enforce all of the provisions of this ordinance, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions. The Building Inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration and use fully conform to all zoning regulations then in effect.

CHAPTER 11B-600 Moderate Income Housing Authority

11B - 601 Moderate Income Housing Authority Objective. It is the objective of the Town to ensure that all development provides a range of housing opportunities for all identifiable economic segments of the population, including households of low and moderate income. It is the policy of the Town to focus its moderate income housing efforts on monitoring the need and providing an opportunity for low to moderate income families to obtain housing that meets their needs and not focus merely on building low income units and to provide a variety of housing types.

A. All action heretofore taken (not inconsistent with the provisions of this

Ordinance) by the Town Council and by other officers of the Town directed toward the creation and establishment of the Authority are hereby ratified, approved and confirmed.

B. The Garden City Town Council will create a Moderate Income Housing Authority according to Ordinance #06-31. The Moderate Income Housing Authority is an advisory committee that will report directly to the Town Council.

C. The Moderate Income Housing Authority will create a description for Moderate Income Housing and the regulations pursuant to administering the program. The regulations will include; determining the existing supply, estimating a five year need, a survey and evaluation of zoning=s effect on moderate income housing, a description to encourage an adequate supply of moderate income housing, and determine the effects of developments which do not include or provide for moderate income housing within their development.

D. The Moderate Housing Authority shall at all times be comprised of members of the Town Council and the Planning & Zoning Commission as well as members of the community.

E. The Town Council is hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this Ordinance.

F. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

G. All Resolutions or Ordinances found to be in conflict with this Ordinance be, and the same are hereby, rescinded.

CHAPTER 11B-700 Transportation Board

11B-701 Transportation Board. An Advisory Board to the Town Council and the Planning and Zoning Commission.

11B-702 Purpose. There is hereby created a Board to be known and designated as the Transportation Board. This Board, through research and collaborative efforts, will make recommendations regarding the design, construction, maintenance, and budgeting for transportation needs in the community. Transportation includes roadways, parking, traffic control, interconnected OHV and pedestrian trail systems, trail heads, beach access, maps, mass transit, airplane travel, and other means necessary to create an integrated transportation system network.

11B-703 Creation. The Transportation Board shall consist of 5 members. The Mayor, with the advice and consent of the Town Council, shall appoint Board Members. At least 2 of the 5

members shall hold no other public office or position within the Town. The Board will consult and coordinate projects with Garden City Public Works personnel, utility & communication providers, and the Special Service District.

11B-704 Appointment and Term of Office. The appointment process shall consist of:

A. The Town Council shall post a Public Notice requesting a call for applications from interested parties.

B. Potential candidates shall submit to the Council a letter, which sets forth their desire and qualification to sit on the Board.

C. The submission of names and letters to the Council will be at least 7 days prior to the Council Meeting date upon which the appointment is listed on the agenda. Potential members may be requested to attend and to be interviewed at this Council Meeting.

Board Members shall be selected without respect to political affiliations and shall fairly represent the interest of all residents of Garden City. Board Members are not required to be residents of the Town of Garden City but living within accepted annexation boundaries.

The term of office shall be two (2) years, four (4) years, or Special Assignment. Terms for Board Members shall be staggered and Board members may be appointed to a term less than the designated term when necessary to provide for staggered terms. Appointments shall be made at the beginning of the calendar year. There is no limit to the number of terms a member may serve.

11B-705 Vacancies. Board Members whose term has expired may serve until a successor is appointed. Vacancies that occur, other than by expiration of term, shall be filled in accordance with the selection process and appointment of the Mayor, with the advice and consent of the Town Council, for the unexpired term.

11B-706 Compensation. Board members shall serve without compensation, but shall be reimbursed for reasonable and approved expenses incurred in the performance of their duties as Transportation Board members.

11B-707 Conduct. Board members shall be subject to the municipal officers' and employees' ethics act, Utah Code Annotated section 10-3-1301 et seq., as amended.

Upon a majority vote in a public meeting, the Town Council may remove from office, without cause, any member of the Transportation Board.

11B-708 Chairperson and Vice-Chairperson:
The Town Council Official assigned by the Mayor to oversee Transportation shall be the Chairperson of the Transportation Board. The Mayor, with advice and consent of Council, shall assign a member of the Planning and Zoning Commission to serve as Vice-Chairperson. The term for each assignment is for two (2) years or until the end of the Council member's or Commission member's current term, whichever is less.

11B-709 Meetings:
The Transportation Board shall hold meetings at the Garden City Office or at such other reasonable location(s) within Garden City to conduct public business. Meetings shall be conducted in accordance with the Utah Open Meetings law, Utah Code Annotated, Title 52, Chapter 4, as amended. Written minutes of all meetings shall be kept, copies of which shall be filed with the Town Recorder.

11B-710 Recommendations for consideration by the Town Council or the Planning and Zoning Commission shall be submitted in writing for the agenda five (5) working days prior to the respective scheduled meeting time.

11B-711 Funds: The Transportation Board may receive funds by an annual appropriation in the Town budget, by government, corporate or private grants or donations, and from proceeds of approved Board functions, which funds shall be managed as directed by the Town Council.

11B-712 Powers and Duties: The Transportation Board shall be an Advisory Board to the Town Council and the Planning and Zoning Commission that:

A. Periodically update the Transportation Plan.
B. Prepares and recommends transportation amendments to the General Plan to Planning and Zoning Commission;
C. Prepares and recommends transportation ordinances and maps which conform to the provisions of the General Plan adopted by the Town Council;
D. Prepare and recommend a Transportation Capital Improvement List and Priority Schedule for approval by Town Council.
E. Prepare and recommend a Transportation Budget based on the Capital Improvement Priorities for approval by the Town Council.
F. Accept and carry out tasks from the Town Council and Planning and Zoning Commission
G. Prepare requests for bids, review submitted bids, and assist Town Council in creating contracts for the completion of projects.
H. Coordinate with Public Works personnel for the maintenance and/or completion of new transportation projects.
I. Research, write, and submit grant proposals to finance transportation projects.
J. Hold Community meetings to gather public opinion information and suggestions regarding transportation issues.
K. Create Access Management and Right of Way Easement Plans.
L. Establish policy and permit procedures for transportation projects on public property.

(Revised 2/8/07)

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TITLE 11C – LAND USE – ZONING

CHAPTER 11C-100 Zoning

11C-101 Zoning Conformity for Building Permit. The building inspector shall not issue any building permit for any building, construction or repair of any building unless such fully conforms to all zoning regulations or ordinances of this municipality in effect at the time of application. Refer to Garden City Municipal Code 8-401 for the current building code requirement.

A. Prior to obtaining a building permit to construct any structure in the Town of Garden City, a refundable deposit must be made to the Town of Garden City, by the property owner or contractor, in an amount established by Resolution. The deposit will be refunded, to the person who originally paid the fee, after a final inspection has been completed and a Certificate of Occupancy has been issued.

B. The Building Permit Deposit will become void and not returnable if:

1. All inspections, according to the approved building code, have not been completed and a Certificate of Occupancy issued, or

2. Any person has moved into the residence prior to obtaining the Certificate of Occupancy.

11C-102 An Ordinance to regulate by Districts or zones the location, height, and bulk of buildings and other structures; the percentage of lot which may be occupied; the size of courts, lots, and other open spaces; the density and distribution of population the location and use of buildings and structures for trade industry, residence, recreation, public activities or other purposes; and the uses of land for trade, industry, recreation, or other purposes and repealing all ordinances or part of ordinance in conflict herewith.

CHAPTER 11C-200 Nonconforming Buildings and Uses

11C-201 Maintenance - Permitted. A nonconforming building or structure may be maintained.

11C-202 Repairs and Alterations. Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

11C-203 Additions, Enlargements and Moving. A building or structure nonconforming as to use regulations shall not be added or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located except as permitted by the Board of Adjustment.

11C-204 Alteration Where Parking Insufficient. A building or structure lacking sufficient automobile parking space in connection therewith as required by this ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of

this ordinance for such alteration or enlargement.

11C-205 Restoration of Damaged Buildings. A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

11C-206 One-Year Vacancy. A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied, for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

11C-207 Continuation of Use. The occupancy of a building or structure by a nonconforming use, existing at the time this ordinance became effective, may be continued.

11C-208 Occupation Within One Year. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

11C-209 Change of Use. The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

11C-210 Nonconforming Use of Land. The nonconforming use of land, existing at the time this ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such, nonconforming use of land, or any portion thereof, is abandoned or changed for a period of five (5) year or more, any future use of such land shall be in conforming with the provisions of this ordinance.

11C-211 Nonconforming Buildings and Uses. Every lot and/or parcel of property within the Garden City Town limits, in which a structure is located, is required to post the correct address as is listed on the Rich County Tax Rolls. In the event that the address is not posted or is incorrect, the property owner will be subject to a fine as stipulated by the code violation fee schedule. The address must be posted as per building code. The lettering must be 4" lettering, block font and contrasting color.

CHAPTER 11C-300 Parking and Loading Space

11C-301 Purpose The purpose of these off street parking requirements is to reduce congestion and traffic hazards in the Town by incorporating adequate, attractively designed off street parking for various land uses. Parking areas shall be designed in such a manner that they will result in maximum efficiency, protection of public safety, provided for the special needs of the handicapped, and where appropriate, insulate surrounding land uses from adverse impacts created by such parking.

11C-302 Off-Street Parking Required

A. At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the following requirements. A detailed site plan showing the required off street parking spaces shall be presented to the Planning Commission for approval. All off street parking shall comply with all of the standards prescribed in this chapter, and shall be permanently maintained in good condition for the duration of the use or uses served by the facility.
B. Parking shall be located on the same lot or abutting lot to the requested use. In no case shall required parking be located across a public street without written approval of the Planning Commission and only when the parking area is within 100 feet.
C. Uses not listed shall be based on the most similar use in the table as determined by the Planning Commission.
D. Any use of property which, in the effective date of this ordinance, is nonconforming only with the regulations relating to off-street parking may continue in the same manner, provided that parking facilities shall not be further reduced.
E. Lighting used to illuminate any off street parking area shall be arranged to reflect the light away from adjacent properties and street traffic and shall comply with the dark sky ordinance.
F. All areas designated for off street parking shall not be used for outdoor storage of materials or equipment.
G. Parking Setbacks. The Planning Commission will determine at design review the appropriate parking setback. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
    1. Relationship to other buildings both horizontally and vertically.
    2. Natural land features, such as slopes or trees.
    3. Physical features and controlled ingress and egress.
    4. Visibility from vehicular approaches and distant highways.
    5. Type of use and structure.
    6. Building height.
H. Connection of interior Parking Lots. Private parking lots, within any development, shall be required to provide interior access to adjacent parking lots and interior private roadways. When new developments are being constructed adjacent to existing business, the project shall be required to join existing drives and parking lots at property lines. When new developments are proposed adjacent to undeveloped land or underdeveloped business, the new development shall be required to construct connections, which will allow joining of future roads or parking lots. All access between interior lots and roads shall be open to the public for customer parking and access.

11C-303 Handicap Parking. Handicap parking shall meet the requirements of the most recent amendment of the Americans with Disabilities Act (ADA).

11C-304 Parking Space Size. The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree spaces; or nine (9) feet by twenty-two (22) feet for parallel spaces.

Type of Space	Minimum Width	Minimum Length
Diagonal	**9 feet**	**20 feet**
90º Angle	**9 feet**	**20 feet**
Parallel	**9 feet**	**22 feet**
Oversized Stalls	**9 feet**	**40 feet**

11C-305 Computation Of Off Street Parking Spaces The table on the following pages contains the minimum parking requirements for specific uses. To clarify the computation of off street parking spaces, the following standards shall apply:

A. Parking calculations shall be based on gross square footage of a building. Outdoor seating must also be included in parking calculations.
B. If a fractional number is obtained one parking space shall be required for that fraction.
C. If more than one use is located on a site, the number of off street parking to be provided shall be equal to the sum of the requirements of each use.
D. Parking requirements for Short Term Rentals (STRs) see chapter 8-601-G and 8-607-B.
E. If the gross square footage of an existing nonresidential building is not altered but the use is changed then no additional parking spaces are required.
F. If gross square footage of an existing nonresidential building is altered regardless of use, then the minimum parking requirements must be calculated.
G. In the event that off-street parking cannot be reasonably provided in accordance with the provisions of this title, a commercial property owner may be allowed to make a payment-in-lieu of providing parking spaces, according to the following conditions:
    1. The Planning Commission must review all payment-in-lieu of parking requests.
    2. The payment-in-lieu fee shall be established by resolution.
    3. Payment-in-lieu of parking shall be permitted to provide no more than 30% of the parking spaces required by this chapter.

Residential Land Use	Required Parking Spaces	Employee Parking
Duplexes, multi-family dwellings, condominiums, townhouses	Studio 1 space 2 to 3 bedrooms 2 spaces 4 or more bedrooms 3 spaces Guest parking: 1 space for each 3 units	
Second residential unit	1 space in addition to that required for the primary dwelling	
Senior housing	.5 space for each unit plus 1 guest space for each 10 units	1

Single-Family dwellings	2 spaces per unit	
Non residential land use		
Amusement park/entertainment facilities	Determined by conditional use	
Art galleries, artisan/ craft shop,	1 space per 500 sq. ft	1
Auto and vehicle maintenance and repair	4 spaces for each service bay	1
Auto/vehicle sales and/or parts store	1 space per 400 sq. ft	1
Banks and financial services	1 space per 300 sq. ft	2
ATM's	1 space for each exterior ATM	
Bed & Breakfast (Inns)	1 space per guest unit	1
Building material stores	1 space per 500 sq. ft	1
Child day care centers	1 space for each 10 children that the facility is licensed to accommodate	2
Community/Convention Centers, lodges and meeting halls	1 space per 100 sq. ft.	2
Grocery Store	1 space per 250 sq. ft.	2
Hotels	1 space and .2 oversize spaces for each guest hotel room; plus, retail, restaurant, and conference uses calculated at 50% of the requirements of this table.	2
Laundromats	1 space for each 5 washing machines	
Libraries and museums	1 space per 300 sq. ft	1
Medical Clinics, offices, labs, pharmacies, and other outpatient facilities	1 space per 500 sq. ft	3
Night clubs and bars	1 space per 100 sq. ft	3
Offices	1 space per 500 sq. ft	1
Outdoor commercial recreation	Spectator seats: 1 space for each 4 seats Sports courts: 2 spaces per court plus 1 space per 500 sq. ft. of area other than courts	1
Personal services: Barbers/beauty, etc.	1 space per 500 sq. ft.	1
Plant nurseries and garden supply stores	1 space per 500 sq. ft of indoor use area; 1 space per 2,000 sq. ft. of outdoor use area	1
Public safety facilities	1 space per 500 sq. ft	1
Religious facilities, churches, places of worship	1 space per every 4 seats to maximum seating capacity	
Restaurants (indoor and outdoor dining)	1 space per 180 sq. ft	2 spaces for every 1,000 sq. ft.
Retail Stores	1 space per 500 sq. ft.	1

Schools – public and private		
Grade 9 and lower	1 space per classroom	2 per classroom
Grade 10 – 12	5 spaces per classroom	1 per classroom
Service station/Convenience Store	1 space per pump island, does not include parking at the pump	1
Short Term Rental	See ordinance 8-601-G and 8-607-B	
Studios – art, dance, music, photograph, etc.	1 space per 180 sq. ft.	1
Theaters	1 space per 100 sq. ft.	1
Transient Business	1 space per 150 sq. ft of commercial area	2
Utility facilities	1 space per 1,000 sq. ft	1
Veterinarians, animal hospitals, kennels, boarding, pet shops	1 space per 500 sq. ft	1
Warehousing, wholesaling and distribution		1 space per employee
Wholesale design showrooms	1 space per 1,000 sq. ft	1

(This Ordinance approved on September 8, 2016.)

CHAPTER 11C - 400 Motor Vehicle Access

11C-401 Roadway Access Management. Roadway access is a means for a motor vehicle to move from roadway to roadway or between private property and the public roadway. An access shall meet the requirements as hereinafter provided or as prescribed in the Utah State Department of Transportation manual entitled Regulations for the Control and Protection of State Highways rights-of way@ (whichever requirements are greater).

11C-402 Public Rights-of-Way. Public rights-of-way shall be identified before any permits for any kind of use are approved.

11C-403 Roadway Access. An access shall be identified when developing any property and shall be controlled as follows:

A. Access may be up to but not more than one thirty (30) feet in width, measured by right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the property owner=s right-of-way.

B. A property may have more than one thirty (30) foot access and in no event shall such accesses exceed sixty (60%) of the entire property frontage.

C. No two (2) of said accesses shall be closer to each other than twelve (12) feet and no access shall be closer to a side property line than three (3) feet.

D. No access shall be closer than forty (40) feet to the point of any intersecting roadways.

E. Access roads to properties located on an inside turn (right angels) shall be twenty-five (25) feet from the property line.

F. Any ingress or egress access to town owned streets must be in compliance with this ordinance.

G. Where there is no existing curb and gutter or sidewalk, the applicant shall construct a safety island along the entire length of the property frontage, except across the permitted access. The safety island may be curb, fence, or appropriate landscaping not to exceed four (4) feet or be less than eight (8) inches in height, which shall be reviewed and approved by the Planning Commission. The safety zone cannot be in the Aclear zone@ according to UDOT standards.

H. In all cases, where an access crosses the bike path, the return radii and the access, into the property, twelve (12) feet into the property shall be paved.

I. Property Owners must pipe culverts under all accesses, or create a swale in the access.

CHAPTER 11C-500 Conditional Uses

11C-501 Purpose. To provide for the regulation of uses to insure their compatible integration in the land use pattern.

11C-502 Conditional Use Permit. An approved conditional use permit shall be required for each conditional use listed in this ordinance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of the Town unless a conditional use permit shall have been approved. A conditional use permit runs with the land and shall continue unless the use discontinues as described under I. Time Limit, below.

A. Application. Application for a conditional use permit shall be made at the Town Office on forms provided for that purpose.

B. Development Plan. The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, fences, landscaping, automobile parking and loading areas, and any other information the Planning Commission may deem necessary.

C. Fee. The conditional use permit fee shall be set by resolution.

D. Hearing. A hearing need not be held; however, a hearing may be held when the Planning Commission or the Town Council shall deem a hearing to be necessary to serve the public interest.

E. Planning Commission Action. All Conditional Use Permits go to the Planning Commission who may approve, modify and approve or deny the Conditional Use Permits. The Planning Commission may require regulations and conditions that may be necessary to protect the health, safety and public welfare of the community. When approving a conditional use, the Planning Commission shall find:

1. That the proposed use is necessary or desirable and will contribute to the health, safety and general well-being of the community.

2. That the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity injurious to property or improvements in the vicinity, or detrimental to the environment of the area.

3. That the proposed use will comply with the regulations of this ordinance.

4. That the proposed use is in harmony with the intent of the General Plan.

F. Town Council Action. The Planning Commission has the option to refer any Conditional Use Permits to the Town council for their approval.

G. Appeals. Appeal of any decision of the Planning Commission shall be to the Town Council. Appeals shall be in writing and shall be filed at the office of the Town not more than ten (10) working days after the decision of the Planning Commission. If the Town Council's decision is appealed, the final decision will by made by the Board of Adjustments who may affirm, modify or reverse the decision of the Town Council. However, the Board of Adjustments shall present, in writing the reasons for its action.

H. Inspection. The building inspector shall inspect the conditional use during the course of construction to insure that it complies with the conditions of the use permit.

I. Time Limit. A Conditional Use Permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion. The Conditional Use Permit shall be null and void if the use has been discontinued for a period of 12 months.

J. Not Transferable. A Conditional Use Permit is not transferable to another location.

K. Revocation. A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

Chapter 11C-600 Sign Regulations

11C-601 General Provisions

A. Purpose and intent: The purpose of the sign regulations set forth in this Title shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs, which, by their good design, are aesthetically pleasing and to preserve and improve the appearance of the Town of Garden City as a place in which to live, work and visit and to encourage businesses, through good signage to promote their businesses.

   No signs shall be allowed unless exempt under this Title or unless said signs comply with the regulations established in Section 11C-602-A of this Title relating to legal nonconforming uses.

B. Definitions: (see 11A-200)

11C-602 − General Sign Regulations for Permanent and Temporary Signs

A. Nonconforming signs: A nonconforming sign shall not be, raised, moved, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Title. Nonconforming signs which are destroyed by natural causes, i.e., earthquakes, floods, winds, etc., exceeding sixty percent (60%) of the signs true value must be brought into conformance. Nonconforming signs shall be allowed to have routine maintenance including the repair or replacement of the sign face by an existing or new business but shall not be allowed to increase the height, size, or the location thereof.

B. Moving, relocating, or altering of signs: No existing sign may be moved or relocated to any other parcel, building, structure, or portion thereof, unless said sign complies with all other provisions of this Title, or is altered so as to comply therewith.

C. Maintenance and repair: Each sign shall be maintained in safe, presentable, and good condition, including the replacement of defective parts, painting, cleaning, and other acts required for the maintenance of said sign. The City shall require compliance or removal of any sign determined to be in violation of this Title in accordance with the provisions of Section 11C-610.

D. Building access free of obstruction: No sign or its supporting members shall be erected or relocated so as to restrict access to a window or other opening in a building in such a manner as to obstruct or interfere with the free use of a fire escape, exit, door, window, or similar opening.

E. Traffic hazards, Clear View Area. No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators or be confused with any authorized traffic sign, signal, or device.

F. Parking of advertising vehicles prohibited. Parked vehicles or trailers with a sign painted or placed on them and parked for the expressed intent of directing attention to a business are prohibited. This provision does not include vehicles used regularly in the course of conducting daily business activities.

G. Public areas. No sign, handbill or poster, advertisement, or notice of any kind or sort may be placed within a public right-of-way except when the sign is owned and erected by a public agency or erected by permission of an authorized public agency or required by law.

H. Intensely lighted signs. No sign shall be permitted which because of its intensity of light or blinking constitutes a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties. All lighting shall conform to the Dark Sky Ordinance (see 11A-600).

I. Sign material. Exposed surfaces of signs shall be of materials which do not pose a hazard as determined by the City.

J. Electronic variable message signs (EVMS). No EVMS shall change more than one (1) time per seven (7) seconds.

K. Obscene signs. No sign shall be permitted which contains vulgarity or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

L. Enforcement. In the case of contradicting requirements or provisions, the more restrictive shall apply.

M. No signs advertising Short Term Rentals are allowed on the rental property.

<u>11C-603 − Sign Size, Height, Setbacks for Permanent and Temporary Signs</u>

A. Size requirements:

1. Each developed parcel shall not exceed two (2) square feet of sign area for each lineal foot of street frontage. On a double sided sign with identical sign faces, only one side of the sign surface is used to calculate sign size. The total square footage on a lot with two tenants must be divided between the tenants with proportions decided by the tenants and/or landlord(s).

2. Shopping centers and office building complexes which lease to three or more business on one lot record will allow individual businesses to have an addition

one (1) square foot of sign area for each front footage of building occupancy for an attached sign.

3. Parcel without street frontage. Where a parcel does not have frontage on a public street, the allowable square footage of the sign shall be determined by the width of the parcel at the front setback line of the building applying for the sign.

B. Setbacks. Signs and support members of all signs shall be setback two (2) feet and be entirely within the property. No sign shall project over a public right-of-way.

C. Height. The height for buildings in each zone shall apply to signs.

11C-604 - Types of Signs

A. Permanent and temporary signs requiring a permit. Signs which meet any of the following criteria:

1. Larger than thirty two (32) square feet in size,
2. Not directly affixed to a building and the highest point of which is more than 6 feet from the grade,
3. Signs in a non-commercial zone (except exempt signs per 11C-609),
4. Off-premise signs. See section 11C-608.

B. Permanent and temporary signs not requiring a Permit. All signs which do not meet the criteria of 11C-604 A.

11C-605 – Permits

A. Application. Application for a sign permit shall be made with the Town of Garden City upon a form provided by the City and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City.

B. Approval. Approval of all signs shall be the responsibility of the Code Enforcement Officer. If there is no Code Enforcement Officer, signs will be approved by the Planning Commission.

C. Issuance: The Town of Garden City shall issue a permit for the construction of a sign when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City. Every permit issued by the City under the provisions of this Title shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit. Completion of the work shall not exceed one (1) year or a new permit shall first be obtained and the fee therefore shall be one–half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. The City may at any time, in writing, suspend or revoke a permit issued under the provisions of this Title whenever the permit

is issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this Title.

D. Effect of issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance or for damages resulting from a nuisance.

E. Indemnification of City. Sign owners are liable for their signs. As a condition to the issuance of a sign permit, all persons engaged in the alteration, relocation, or maintenance of signs shall agree to hold harmless and indemnify the City, its officers, agents, and employees, from any and all claims of negligence resulting from said erection, alteration, relocation, maintenance, or other sign work.

F. Construction standards. The following Construction standards shall apply to signs requiring a permit.

    1. Building code compliance. Signs shall comply with the appropriate provisions of the International Building Code, electrical code, and all other codes of the City.

    2. Engineering requirements. Signs hereunder may require engineering provided by an engineer licensed in the State of Utah if deemed necessary by the City Building Inspector upon review of the sign application.

<u>11C-608 – Permanent and Temporary Off-Premise signs</u>

A. Approval Requirements. All off-premise signs require a sign permit and are subject to conditional use review, public hearing, and approval by the Planning Commission. The requested off-premise sign should not negatively affect the economy of Garden City and its impact should be considered during the conditional use review.

B. Location and Size Requirements.

    1. Only one off-premise sign per business location being advertised. If multiple businesses are operating out of one location, only one off premise sign must be utilized to advertise for all the businesses within that location.
    2. Signs are limited to thirty-two (32) square feet and count towards total sign area allowed for the lot the sign is upon.
    3. Signs must be a minimum of five hundred (500) lineal feet from any other off-premise signs on the same side of the street and one hundred (100) lineal feet from any detached on-premise sign
    4. Only one off-premise sign shall be allowed to be placed on any one development parcel.

<u>11C-609 – Exempt Signs</u>

A. Exempt signs. The area of such signs shall not be included in the area of signs permitted for any parcel use. No permits required.

1. Temporary municipal or community non-profit event signs with a permit from a Garden City Official.
2. Memorial signs or tablets.
3. Public notices.
4. Public necessity signs.
5. Campaign signs. Signs shall not exceed eight (8) square feet.
6. Real estate signs. One 5 square foot real estate sign shall be allowed on any lot or parcel, providing the sign is entirely within the property that is for sale. Residential or commercial properties of 2 acres or more shall be allowed to have one sign of 32 square feet. Signs must be removed from property within 7 days after the sale, rental or lease is accomplished. Real estate sign must be removed within 7 days when the real estate agency no longer represents the property owner in the sale of the property in which the sign pertains.
7. Flags, emblems, or insignias of any nation or political subdivision.
8. House numbers and name plates. Signs shall not exceed six (6) square feet in area for each residential and commercial building.
9. Trespassing signs. Signs shall not exceed six (6) square feet.
10. Neighborhood and subdivision identification signs. In any zone, a sign may be erected to identify a neighborhood or subdivision. These shall not exceed thirty-two (32) square feet.
11. Subdivision development sales signs. Signs shall not exceed thirty-two (32) square feet and shall be a minimum of five hundred (500) lineal yards apart. Subdivision development signs shall be located only on property for which the sign is advertising.
12. Construction signs. One (1) unlighted sign per development not to exceed thirty-two (32) square feet in area, may be placed on the lot or attached to the outside of a building during its construction period.
13. Temporary signs/displays in residential and agricultural zones: Signs for special events such as yard/garage sales, estate sale, etc. Signs shall not exceed twenty−four (24) square feet and can only be displayed five (5) days prior to the event and must be removed immediately after.
14. Home occupation signs: Within any zone home occupation signs are allowed. Home occupation signs are not to exceed four (4) square feet in area and must be attached to the home.

<u>11C-610 - Violation and penalty; other remedies;</u>

A. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of the provisions of this Title shall be punishable as provided by Municipal Code/Resolution. Such person, firm, or corporation who violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted.

B. Removal of Temporary Signs: All temporary, nonconforming signs are to be removed immediately upon verbal or written notification from City Code Enforcement Officer. A sign in violation of this Title may be removed by the City:

1. Pursuant to an administrative order issued by the Garden City Administrative Court in conjunction with a civil enforcement action.
2. Immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of the citizenry; and/or
3. Immediately and without notification where the sign is located upon public property and is not permitted to be so located.

C. Removal of Permanent Signs: In addition to the fines and penalties set forth in paragraph (A), the City is hereby authorized to exercise the following additional remedies, jointly or severally:

1. Notice of correction. A City Enforcement Officer may prepare and serve notice of a violation of this Title, requiring compliance within thirty (30) days of the date of the notice. The notice shall describe the sign, specify the violations(s), and inform the recipient that if the violation(s) is/are not remedied, the sign may be removed at the responsible party's cost. The notice shall also inform the recipient that if the recipient disagrees with the enforcement officer regarding the violation, the recipient may appeal the enforcement officer's determination to the Appeal Authority. Said appeal must be in writing and received by the Town of Garden City within a fifteen (15) day period after the notice of violation. Notices of violations are deemed to have been given when notice is mailed or given to the property owner of record or occupant of the property upon which the sign is located. Notice to the property owner shall be mailed to the owner of the property on which the sign is located, as shown on the last county assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign.

2. Removal. A sign in violation of this Title may be removed by the City:

    a. Pursuant to an administrative order issued by Garden City Administrative Court in conjunction with a civil enforcement action.

    b. At the conclusion of the fifteen (15) day period set forth hereinabove, provided no appeal has been filed;

    c. Immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of the citizenry; and/or

    d. Immediately where the sign is located upon public property and is not permitted to be so located.

3. Enforcement. The City may initiate an action in the Administrative Court seeking compliance and other available remedies.

D. Costs. The City is hereby authorized to recover its expenditures for the enforcement of this Title, pursuant to any available method, including but not limited to, restitution pursuant to civil penalties, statutory nuisance abatement processes, etc. Any challenges to those costs shall be made pursuant to the applicable process.

E. Disposal of signs. Within two (2) business days after a sign comes into the possession of the City, the enforcement officer shall use reasonable means to provide notice to the owner of the sign or agent thereof. Said notice will state that the sign must be retrieved from the City within five (5) business days of the date of the notice.

1. If the sign is not retrieved within that time period, the sign becomes the property of the City and may be disposed of at the City's discretion.

2. If the sign is retrieved within that time period, the person retrieving said sign shall demonstrate ownership and shall pay costs of removal and storage before receiving the sign. If said person disagrees with the assessed costs, said person may, after paying the costs and retrieving the sign, file an appeal. Said appeal must be in writing and submitted to the Administrative court judge within five (5) business days of retrieving the sign and paying the costs. The judge will hear the matter or elect to have the Appeal Authority hear the matter. The sole issue on appeal is the reasonableness of the assessed costs.

(Updated January 10, 2019)

<u>11C-611 - Relief from regulatory hardship</u>

A. Relief from regulatory hardship: Any owner or occupant of property experiencing a hardship, as defined herein, as a result of the regulations of this Title, may seek relief therefrom pursuant to this Section.

1. "Hardship" as used in this Section means an existing physical condition, such as topography or lot configuration, that so restricts the placement of a sign on the property under this Title, that the property cannot host a sign in a similar manner to other properties within the same zoning district. A hardship is not a condition that is or was created by the owner or occupant, nor is a hardship an economic loss or lost economic opportunity.

2. Any person having a hardship as defined herein may request relief from the restricting regulation under title 11B-300

This ordinance updated May 14, 2015

CHAPTER 11C-700 Mobile Home Parks Developments

11C-701 General Provisions

A. Title. These regulations shall be known and cited as the garden City Mobile Home and Recreational Vehicle Park Ordinance.

B. Authority. This ordinance is adopted pursuant to authority granted by Chapter 9, Title 10, Utah Code, as amended or subsequently codified.

C. Purpose. Realizing that mobile homes do still exist, the Town Council of the Town of Garden City does provide the regulations of this ordinance for the following purposes:

1. To provide the orderly placement of mobile homes within the Town.

2. To safeguard the health, safety, and environment of residents of mobile homes through adequate regulations.

3. To allow a greater choice of housing alternatives for residents of the town.

4. To provide for proper and adequate traffic circulation and open space within mobile home developments.

5. To provide a framework for regulation for planned mobile home development within the town of Garden City.

6. To provide a framework of regulation for planned Recreational Vehicle Park development within the Town of Garden City.

D. Applicability.

1. This ordinance applied to mobile homes located within or outside of mobile home parks. This ordinance shall not apply to the location of modular factory built housing.

2. All mobile homes or manufactured homes existing on the effective date of this ordinance which do not comply with the requirements set forth herein are deemed to be nonconforming. Nonconforming mobile homes or manufactured homes will be allowed to remain at their existing locations without complying with the provisions of this ordinance provided they are in compliance with the provisions of any ordinance in effect at the time of their being placed at their existing location. Each person proposing to move a nonconforming mobile home or manufactured home to another location within the Town must comply with all applicable requirements of the Ordinance.

3. The development of Recreational Vehicle Parks.

E. Repeal of Conflicting Ordinances. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

F. Severability. Should any section, paragraph, sentence, clause, or phrase be held invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby.

11C-702 Definitions – **Definitions for this section can be found in 11A-200.**

11C-703 Installation of Manufacture Homes Outside of Mobile Home Parks

A. Permits.

1. No mobile homes are permitted outside of a mobile home park.

2. Manufacture Homes will be permitted, but must be on permanent foundation and meet requirements for a single-family dwelling.

11C-704 Temporary Use of Manufacture Homes Post 1976

A. Regulations for temporary use.

1. Applicants who are in the process of building a building for which a building permit has been issued may apply for a temporary permit from the Building Inspector, which shall be subject to renewal, to locate a Manufactured Home on the building lot during the course of construction.

2. Manufactured Homes may be used as a "caretaker" quarters at various job sites, (i.e. construction projects, gravel pits and/or dumping operation) upon issuance of a temporary use permit.

3. Manufactured Homes used for temporary uses must have an approved sewage disposal system, water supply and electrical connections.

4. Temporary use permits may be issued by the Town for a period not to exceed 18 months. A temporary permit may be renewed for only one additional six-month period upon a showing of good cause. At the time the temporary permit expires, the Manufactured Home and all other appurtenances thereto shall be removed from the property.

5. A temporary use permit shall be issued by the Town. The fee shall be per the fee schedule adopted by the Town Council of Garden City and is in addition to any other required fees for health or electrical permits. A deposit of $250.00 is required and is refundable when removed.

11C-705 Mobile Home Parks

A. General requirements.

1. Location in Zone: Mobile Home Parks are conditional uses in all zones.

2. Permit Required: No person, firm or corporation shall construct, enlarge or alter any mobile home park without first obtaining a building permit issued for the performance of such work by the Town.

B. Application Process.

1. Pre-Application: A form provided by the town shall be filed with the Town Planning and Zoning Commission by the developer for the purposes of determining the feasibility of the development and identifying approval process.

2. Application: The developer shall file with the Commission a complete application and drawings as required by this Ordinance.

   a. One complete set to each member of the Commission.

   b. A filing and checking fee per the fee schedule adopted by the Town Council of Garden City shall be paid to the Town prior to any action by the Commission on the application.

      1. $150.00 plus $5.00 per space.

3. Review by the Commission: All recreational vehicle parks and mobile home parks are subject to review and approval by the Commission. The review shall be scheduled for the next regular meeting and held as a public hearing following receipt of complete application and provided that fifteen (15) days notice is given to adjacent property owners by the applicant. Proof of said notification shall be presented to the Commission.

4. Action Forwarded: The findings and action of the Commission shall be forwarded in writing to the applicant and the Town Council.

5. Preparation of Final Plans: Final plans for the development shall be prepared by the applicant according to the Town requirements and conditions of the Commission in such detail to provide checking of construction work. These plans shall be submitted to the Town Council along with the construction permit fee per the fee schedule adopted by the Town Council of Garden City.

6. Town Council Action: The Town Council shall at their next regularly scheduled meeting following receipt of complete final plans, review and take action on the plans and construction permit considering the following aspects:

a. Need for project.

b. Planning and Zoning Commission recommendation.

c. Compatibility with adjacent properties and public facilities.

d. Compatibility with Town's Comprehensive Plan.

C. Pre-Application

1. Contents:

a. Pre-application form provided by the Town.

b. Vicinity map showing the location of the project in relation to the Town and its boundaries.

c. Narrative statement explaining the proposed size, scope, and intent of the project.

D. Application

1. Contents: Application for the construction, enlargement or alteration of a mobile home park shall be made on forms provided by the Town and shall contain the following information:

a. Names and addresses of developer and principal professional personnel involved in the plan preparation.

b. Legal description and proof of ownership of development area.

c. Size of proposed development in acres.

d. Amount in acres and percent of area to be set aside for recreation or common space.

e. Number of spaces or lots intended for development.

f. Approximate population of development when totally occupied.

g. Names and addresses of adjacent property owners with 300 feet of the development boundary.

h. Mobile Home Park Development Plan. A complete set of drawings of the mobile home park, showing compliance with all applicable provisions of this ordinance and shall contain at least the following:

1. Title, scale, North arrow and date.

2. Vicinity map of reasonable size showing land uses of adjacent lands and all public and private roads within 300 feet of the development boundary.

3. Plan drawing showing the direction of drainage with maximum contour intervals of five (5) feet.

4. Dimensions and boundaries of development areas.

5. Number, location and size of all spaces.

6. Typical layout and cross-section of a typical designated space showing all improvement and facilities.

7. Location and width of roadways.

8. Location and design of any structures built on permanent foundations.

9. Location, size and specific nature of recreational use area.

10. Location and size of water lines and their connecting point to the Town water system.

11. Location of fire hydrants.

12. Such other detail as might be determined necessary and proper.

E. Final Plan.

1. Content. The final plan shall include all information of the application and development plan plus additional details of the public facilities and utilities to insure proper construction.

F. Mobile Home Park Standards.

1. Size of Development: Each mobile home park shall contain at least five gross acres or 25 spaces or lots.

2. Density: Maximum density shall not exceed five mobile homes per net acres. This maximum density may be lessened in particular instances for good cause, at the discretion of the Garden City Planning and Zoning Commission.

3. Minimum Requirements for each mobile home space:

i. Minimum width: 60 feet

ii. Minimum area: 6000 square feet

iii. Minimum parking area: Two (2) spaces, one space 9 by 20'

d. Minimum setback from street: 10 feet

e. Minimum space of mobile home or manufactured home from lot lines: 15 feet.

f. Minimum rear yard: 15 feet

4. Utilities: The park shall be equipped with basic public utilities that shall be placed underground.

a. Water service shall be provided for each space and constructed so that they will not be damaged by the parking of such homes or freezing temperatures.

b. Sanitary sewers shall be approved by the Bear River District Health Department or Bear Lake Special Service District.

c. Connection to Town: The Town of Garden City will be responsible to make the proper water connections to the town network (provided lines are accessible). The owner of the development shall be responsible to provide the distribution lines for water and sewerage systems and connection fees as per approval by the Town Council of the plans.

5. Streets and Road: Each mobile home park shall have asphalt-surfaced roads at least twenty-four (24) feet wide to serve each space and common parking areas. The maximum length of a cul-de-sac shall be 660 feet and minimum radius of turning circle of 50 feet. Maximum grade shall be 8%. Roads with mobile home parks shall remain privately owned and maintained.

6. Recreation and Play Areas: Recreation and common play areas for the development shall be provided equivalent to 10% of the gross development area, and shall consist of wee-kept lawns with both scattered trees and open space.

7. Storage: A storage area shall be provided in each mobile home park for the storage of accessory items such as boats, recreational vehicles, etc., (at a ratio of 100 square feet per mobile home space in park).

8. Screening: The boundary of the mobile home park shall be adequately screened from adjacent private property at the discretion of the Planning and Zoning Commission.

9. Space Numbering: Each space in the mobile home parks shall be marked with its proper space number so that emergency personnel can identify the particular trailer. Each space number shall be of uniform size and placement as required by the adopted uniform address system for Garden City.

10. Skirting: All mobile homes placed within mobile home parks shall, within thirty (30) days of their installation, be completely skirted with a material harmonious in color and texture with the exterior of the mobile home.

11. Anchoring: All mobile homes placed within the town of Garden City shall be anchored according to installation instructions in accordance with the construction standards adopted by the State pursuant to section 58-56-4, UCA, 1953 as amended.

12. Solid Waste: Provisions shall be made for properly covered containers and disposal of solid wastes.

13. Fire Protection: The mobile home park shall provide fire protection according to the Garden City Fire District requirements and approved by the Town Council.

G. Performance Bond, Cash Deposit, or Bond. Prior to issuance of final approval of manufactured home park under this section, a cash deposit, performance bond or bond from a financial institute approved by the Planning & Zoning Commission of 125% for a contingency shall be submitted to the Town to insure proper final construction including landscaping, roads, water and sewer.

11C-706 Recreational Vehicle Parks

A. General Requirements.

1. Permit Required: No person, firm or corporation shall construct, enlarge, or alter any type of Recreational Vehicle Park or subdivision without first obtaining a building permit issued by the Town for the performance of such work.

2. Types of Recreational Vehicle Park:

a. Commercial Recreational Vehicle Parks: This type of park has unified ownership, for the purpose of providing rental space to the general public for recreational vehicles.

b. Private or Semi-private Recreational Vehicle Parks: This type of park has various types of ownership possibilities such as individual lot ownership (subdivision), condominium, and a unified

ownership where memberships are sold.

B. Application Processing.

1. Pre-Application: A form provided by the Town shall be filed with the Town Planning and Zoning Commission by the developer for the purposes of determining the feasibility of the development and identifying approval process.

2. Application: The developer shall file with the Commission a complete application and drawings as required by this Ordinance.

   a. One complete set to each member of the Commission.
   b. A filing fee will be set by resolution.

3. Review by the Commission: All recreational vehicle parks and mobile home parks are subject to review and approval by the Commission. The review shall be scheduled for the next regular meeting and held as a public hearing following receipt of complete application and provided that fifteen (15) days notice is given to adjacent property owners by the applicant. Proof of said notification shall be presented to the Commission.

4. Action Forwarded: The findings and action of the Commission shall be forwarded in writing to the applicant and the Town Council.

5. Preparation of Final Plans: Final plans for the development shall be prepared by the applicant according to the Town requirements and conditions of the Commission in such detail to provide checking of construction work. These plans shall be submitted to the Town Council along with the construction permit fee per the fee schedule adopted by the Town Council of Garden City.

6. Town Council Action: The Town Council shall at their next regularly scheduled meeting following receipt of complete final plans, review and take action on the plans and construction permit considering the following aspects:

   a. Need for project.

   b. Planning and Zoning Commission recommendation.

   c. Compatibility with adjacent properties and public facilities.

   d. Compatibility with Town's Comprehensive Plan.

C. Pre-Application

1. Contents:

a. Pre-application form provided by the Town.

b. Vicinity map showing the location of the project in relation to the Town and its boundaries.

c. Narrative statement explaining the proposed size, scope, and intent of the project.

D. Application

1. Contents: Application for the construction, enlargement or alteration of a recreational vehicle park shall be made on forms provided by the Town and shall contain the following information:

a. Names and addresses of developer and principal professional personnel involved in the plan preparation.

b. Legal description and proof of ownership of development area.

c. Size of proposed development in acres.

d. Amount in acres and percent of area to be set aside for recreation or common space.

e. Number of spaces or lots intended for development.

f. Approximate population of development when totally occupied.

g. Names and addresses of adjacent property owners with 300 feet of the development boundary.

h. Recreational Vehicle Park Development Plan. A complete set of drawings of the recreational vehicle park, showing compliance with all applicable provisions of this ordinance and shall contain at least the following:

1. Title, scale, North arrow and date. Vicinity map of reasonable size showing land uses of adjacent lands and all public and private roads within 300 feet of the development boundary.

2. Plan drawing showing the direction of drainage with maximum contour intervals of five (5) feet.

3. Dimensions and boundaries of development area.

4. Number, location and size of all spaces.

5. Typical layout and cross-section of a typical designated space showing all improvement and facilities.

6. Location and width of roadways.

7. Location and design of any structures built on permanent foundations.

8. Location, size and specific nature of recreational use area.

9. Location and size of water lines and their connecting point to the city network.

10. Such other detail as might be determined necessary and proper.

E. Final Plan.

1. Content. The final plan shall include all information of the application and development plan plus additional details of the public facilities and utilities to insure proper construction.

F. Standards for Recreational Vehicle Parks.

1. Size of Development. Each recreational vehicle park shall contain at least four (4) gross acres or at least fifteen (15) spaces or lots.

2. Density. Commercial type recreational vehicle park density shall not exceed eight (8) spaces per acre. Private or Semi-private recreational vehicle park density shall not exceed five (5) spaces per acre.

3. Minimum requirements for each recreational vehicle space:

   a. 1500 square feet
   b. Minimum width - 25 feet
   c. Minimum rear setback - 15 feet from property line
   d. Side yard setback from road: 6 feet

4. Parking: In addition to the parking at each space, additional parking at a ratio of one (1) space for every five (5) recreational vehicle space(s) in the park shall be provided.

5. Recreation and Play Areas: Recreation and common play areas for the development shall be provided equivalent to 10% of the gross development area, and shall consist of well-kept lawns with both scattered trees and open space.

6. Water and Sewerage Facilities: These shall be provided in each recreational vehicle park with the following minimum standards:

   a. Water outlets shall not be located further than 300 feet from a recreational vehicle space which is not equipped with individual water connections.

   b. One recreational vehicle sanitary disposal station shall be provided for each 100 recreational vehicle spaces, or parts thereof, which are not equipped with individual sewer connections.

   c. Personal Services Facility: Each park shall provide at least one personal service building containing the following facilities: showers, toilets, lavatories, and other necessary health facilities.

   d. Solid waste disposal shall be provided with use of covered containers.

   The above list of minimum facilities plus any other water, sewerage or sanitary facilities shall comply with local health codes or the standard promulgated in the Utah State Division of Health Code of Campers, Trailer Court, Hotel, Motel, and Resort Regulations Parks II and Part V.

   Proper water connection to the Town networks shall be the responsibility of the Town. The owners of the development shall be responsible to provide the distribution line for water and connector fees as approved by the Town.

7. Utilities. The basic utilities shall be placed underground and located at depths sufficient to assure proper safety.

8. Roadways. Roads within recreational vehicle parks shall remain privately owned and maintained. To maintain the safety and convenience of park users, all roads shall meet the following standards:

   a. Minimum Width: 24 feet, no parking permitted.
   b. Surface Type: Graveled, according to Town standards.
   c. Maximum Grade: 8%.

Turn-arounds shall be provided for all dead end roads over 100 feet in length, and shall have a minimum radius of fifty (50) feet. Maximum length of 660 feet for

dead end roads and designated at entrance.

9. Fire Protection. The recreational vehicle park shall provide fire protection according to the Garden City Fire District requirements and approved by the Town Council.

10. Landscaping. The recreational vehicle parks shall be landscaped and maintained according to the following minimum standards and shall be maintained at all times:

    a. One tree per each three (3) spaces in the park shall be planted.
    b. Trees shall be at least three feet tall and healthy.

11. Screening and Buffer Area. Each recreational vehicle park may be required to provide screening from adjacent uses, as determined by the Planning and Zoning Commission.

12. Registration and Supervision. A manager or attendant shall be available at all times a recreational vehicle park is open and servicing the public. Every owner or operator of a recreational vehicle park shall maintain a register containing a record of all occupants of the spaces and times occupied. The record shall be retained for two (2) years and open to authorized inspection. The register shall contain the following information:

    a. Names and addresses of occupants of park.
    b. The make and license number of vehicles.
    c. The date of arrival and departure of each vehicle.

13. Permanent Alterations or Construction. There shall be no permanent construction to or alteration of any recreational vehicle placed in the recreational vehicle park. Skirting is not permitted and wheels may be removed for temporary repairs only.

G. Bonding. Prior to issuance of a building permit under this section, a cash deposit or performance bond in the amount of 150% of cost of improvements shall be submitted to the Town to insure proper final construction including landscaping, roads, water and sewer.

<u>11C-707 Administration and Enforcement</u>

A. Enforcement Authority. It shall be the duty of the Town Council and other such officials as may be determined by the Garden City Town Council to promulgate rules and regulations and to enforce this Ordinance.

B. Mobile Home Park and Recreational Vehicle Park Business License Required. In

addition to the building permit required by this ordinance, each operator of a mobile home and recreational vehicle park shall procure an annual business license from the city.

C. Business License -- Suspension -- Hearing. Whenever, upon inspection of any mobile home park or recreational vehicle park, the Town finds that conditions or practices exist which are in violation of any provision of this ordinance or of any regulation adopted pursuant thereto, the Town shall give notice of such violation in writing to the person to whom the license was issued, who shall have thirty (30) days to correct said deficiency. At the end of the period for correction of said conditions or practices specified in said notice, the Town shall re-inspect such mobile home park and if such conditions or practices have not been corrected, they shall give notice in writing to the person to whom the license was issued that the license has been suspended. Upon receipt of notice of suspension, such person shall cease operation of such mobile home park.

Any person whose license has been suspended, or who has received notice form the Town that their license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the Town Council, provided that a petition for such hearing has been filed within ten (10) days following the day on which such license was suspended.

D. Inspection. The Town is authorized and directed to make inspections to determine the condition of mobile home parks or recreational vehicle parks within the Town, in order that the Town may perform its duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

It shall be the duty of every occupant of a mobile home park or recreational vehicle park to give the owner or his agent or employee access to any part of such park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the ordinance.

E. Variance. An application for variance of any of the provisions of this ordinance may be considered by the Board of Adjustments Committee of Garden City.

F. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall pay a code infraction fee, which is set by resolution. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

This ordinance was updated April 9, 2015.

CHAPTER 11C-800 Recreation Vehicles and Overnight Camping

11C-801 Definitions: Definitions can be found in section 11A-200

11C- 802 Overnight Camp Grounds. Overnight camp ground developments shall comply with the following requirements.

A. No occupied Recreational Vehicle or Tent shall be allowed except:

1. In designated campgrounds;
2. All overnight campgrounds shall have a current business license with the Town of Garden City. The fee for said license shall be adopted by resolution. This license shall be subject to revocation by the Town Board for such case as nuisance or violation of this ordinance.
3. Subject to all provisions in Chapter 11C-803 to 11C-806.

11C-803 Storage and Use of Recreational Vehicle. It shall be unlawful to store on any vacant lot any Recreational Vehicle.

11C-804 Recreational Vehicles and Camping on Vacant Lots

A. It is unlawful to camp on any vacant lot.

B. It is unlawful to occupy a Recreational Vehicle on any lot except during active construction of a home or cabin and then only for a period not to exceed 18 months, (The occupant must apply for and receive a temporary permit stating the expiration date of the temporary occupancy permit. Such permit shall not be issued until after a building permit for the building has been obtained).

11C-805 Recreational Vehicles and Camping on Lots with Homes, Cabins or Businesses..

A. Occupation of ONE recreational vehicle not belonging to the property owner by a guest of a property owner on his homesite shall be permitted for no more than 10 consecutive days. At the end of 10 days the recreational vehicle must be moved offsite for a period of 2 weeks (14 days) before returning to the site.

B. In addition to the recreational vehicle mentioned in (11C-805-A) above, additional recreational vehicles may be located on a lot on a temporary basis when the owner of the property has first obtained from the city, a permit covering the specific time period during which such recreational vehicle may be so located.

C. Such permits shall specify the days covered and the number of recreational vehicles permitted. Such permits shall not be issued for the same lot for more than 15 days and for not more than 10 consecutive days in any 90-day period. At the end of 10 days the recreational vehicle must be moved offsite for a period of 2 weeks (14 days) before returning to the site.

D. For the purposes of (11C-805-C) above, a group of contiguous lots under the same ownership shall be considered to be one lot.

E. All lots for which permits are issued shall have restrooms facilities available for all occupants of recreational vehicles and tents.

F. Recreational Vehicles placed on a lot as allowed by paragraph (11C-805-B) above shall be placed at least 10' from any property line and at least 6' from other recreational vehicles or structures. There shall not be placed on any lot more than 1 recreational vehicle per 1500 square feet of open lot area not occupied by structures.

11C-1806 Violation – A violation of this Ordinance, or any provisions thereof, shall be punishable by a civil penalty established by resolution.

Updated October 11, 2018.

CHAPTER 11C-900 Supplementary and Qualifying Regulations.

11C-901 Effect of Chapter. The regulations hereinafter set forth in this chapter qualify for supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance.

11C-902 Lots in Separate Ownership. The requirements of this ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land was held in separate ownership at the time of the adoption of the zoning ordinance.

11C-903 Yard Space for One Building Only. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space for any other buildings; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

11C-904 Every Dwelling to be on a "Lot". Every dwelling shall be located and maintained on a "lot" as defined in this ordinance except in cluster or condominium developments approved under the conditional use provisions of this ordinance.

11C-905 Separately Owned Lots - Reduced Yards. In any lot under a separate ownership from adjacent lots and of record at the time of passable of the zoning ordinance and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width, provided that on interior lots, the smaller of the two yards shall be in no case less than five (5) feet, or the larger less than eight (8) feet, and for corner lots the side yard on the side street shall be in no case less than fifteen (15) feet or the other side yard be less than five (5) feet.

11C-906 Private Garage with Side Yard - Reduced Yards. On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard, except in R-A and R-E zones; and on any lot where such garage has such side yard, also has a rear yard of at least fifteen (15) feet.

11C-907 Yards to be Unobstructed - Exceptions. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, roof overhang, chimneys, flues and other ornamental features which project into a yard not more than four (4) feet and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard, not more than five (5) feet.

11C-908 Wall, Fence or Hedge. Height of fences, hedges or shrubs: No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of eight (8) feet except for accessory buildings and structures permitted herein. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty-two (42) inches in height. Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if not retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, providing that in any event a protective fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall.

11C-909 Area of Accessory Buildings. No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25%) percent of the rear yard.

11C-910 Exceptions to Height Limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

11C-911 Minimum Height of Main Buildings. No dwelling shall be erected to a height less than one (1) story above grade.

11C-912 Clear View of Intersection Streets. In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers, and pumps at gasoline service

stations.

11C-913 Sale or Lease of Required Space. No space needed to meet width, yard, area, coverage, parking or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.

11C-914 Group Dwellings. Group dwelling developments are permitted in any R-2 or RM zone subject to the following conditions:

A. Type of dwelling shall not exceed that allowed in the zone.

B. Each dwelling structure shall have a lot area equal to that required in the zone for an individual lot unless located in a cluster development or condominium development for which a site plan has been submitted and approved in accordance with the conditional use provisions of this ordinance. Front, side and rear yards shall equal those required in the particular zone unless these standards are waived to permit a cluster development or condominium development.

C. Two auto parking spaces shall be provided for each dwelling unit.

D. All perimeter lot lines shall be enclosed with a six (6) foot visual barrier fence when required by the Planning Commission.

E. Landscaped areas are provided.

F. Approval of the site plan by the Planning Commission.

11C-915 Coverage Regulations. In no zone shall a building or group of buildings with their accessory buildings cover more than sixty (60%) percent of the area of the lot.

11C-916 Mobile Home Parks. Mobile home park developments shall comply with the following requirements (Outlined in Chapter 11C-700).

11C-917 Windmills/Turbines. Windmills/Turbines that generate electricity or not, are prohibited in town limits if they are taller than 25’ or have a total width greater than 6’ across.

11C-918 Storage Structures. Cargo containers railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for the purposes other than the storage of goods and materials, are not permitted except during active construction or remodel work on a temporary basis.

(This Ordinance was updated April 11, 2018)

CHAPTER 11C-1000 Zones

11C-1001 Establishment of zones. For the purpose of this ordinance, the following zones are

created to be applied as necessary to regulate the development of land:

A.	Residential Estate/Agricultural Zone	RE/AG
	Single Family Residential Zone	R-1
	Multiple Family Residential Zone	MFR
	Recreational Residential Zone	RR
	Hillside Estates	HE
	Commercial Zone	C
	Highway Commercial	HC
	Hotel/Motel Zone	H/M
	Beach Development	BD
	Manufacturing Zone	M

11C-1002 Boundaries of Zones. The boundaries of each of the said zones are hereby established as described herein or shown on the zoning map which map is attached to this ordinance.

11C-1003 Filing of Ordinance and Map. This official ordinance and map shall be filed in the custody of the Town Clerk of Garden City and may be examined by the public subject to any reasonable regulations established by the Town Board. A duplicate copy of this ordinance shall be on file at the Office of the Rich County Recorder.

11C-1004 Rules for Location Boundaries. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

A. Whenever the zone boundary is indicated as being approximately upon the centerline of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block of such property line, shall be construed to be the boundary of such zone.

B. Whenever such boundary line or such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary lines of such public land or such section line shall be deemed to be the boundary of such zone.

C. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment shall interpret the map.

CHAPTER 11C-1100 RE/AG - Residential Estate/Agricultural Zone.

11C-1101 Purpose. To provide areas for large lot residential estate neighbors of a rural character together with a limited number of livestock activities in which the primary use involves raising, producing or keeping plants or animals

11C-1102 5-Acre Minimum Size.

11C-1103 Permitted Uses.

A. Agriculture as defined herein.
B. Dwellings for proprietors and employees of the use and animal training.
C. Breeding or raising of fowl or other animals.
D. Breeding of domestic animals.
E. Nurseries and Greenhouses.
F. Household Pets.
G. Home Occupation.
H. Single family dwelling.
I. Accessory buildings and uses.
J. Park or Playground.
K. Landscaping and gardening.

11C-1104 Non-Permitted Uses

A. Processing of animal or plant products
B. Milk and feedlots
C. Livestock Auctions

11C-1105 Conditional Uses.

A. Church
B. Public/Private School
C. Public buildings
D. Riding Stable. (Public or private with 6 or more horses)
E. Stable, Private (provided not more than one horse per acre)
F. Two-Family Dwelling
G. Public Utility
H. Clubhouse
I. Cemetery
J. Stands for sale of produce grown on premises
K. Dude Ranch and Accessory Buildings
L. Recreational Vehicle Storage Structure
M. Home Occupation Daycare/Preschool
N. Golf Course
O. Kennels
P. Rodeo
Q. Overflow Parking
R. Anything under 5 acre minimum not to go less than 1 acre.

11C-1106 Area, Width and Setback Regulations.

	Minimum Setbacks (in feet)		
District	**Front**	**Side**	**Rear**
RE/AG-1	30	100 & 12	30
Lots 7500 sq. ft. or less*	25	8 & 10	25

*Lots of 7500 sq. ft. or less cannot be split

11C-1107 Height Regulations. No building shall exceed 35 feet in height.

11C-1108 Modifying Regulations.

A. Side setbacks. All structures shall have a minimum side setback of 20 feet on the street side of a corner lot.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.

C. No Stand-Alone Building or Garage is allowed in any Residential Zone.

11C-1109 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

CHAPTER 11C-1200 R-1 Single Family Residential Zone.

11C-1201 Purpose. To provide appropriate locations where low density residential neighborhood may be established, maintained and protected, the regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of the families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

11C-1202 Permitted Uses:

A. Single family dwellings
B. Household pets
C. Accessory uses and buildings
D. Home Occupations
E. Landscaping and gardening

11C-1203 Conditional Uses.

A. Art museum, public
B. Church

C. Library, public
D. Parking lot for permitted use
E. Public building
F. Park or playground, public
G. Public Utility
H. Public School
I. Family Food Production (on lots over 15,000 only)
J. Hobby occupations 1/3 of income
K. Two family dwelling, provided an additional 1,000 square feet to lot size

11C-1204 Height Regulations. No main building shall be erected to a height greater than 35 feet or detached garage greater than 25 feet.

11C-1205 Area, Setback Regulations.

		Minimum Setbacks (in feet)		
District	**Area in Square Feet**	**Front**	**Side**	**Rear**
R-1-8	8,000	30	8 & 10	30
R-1-9	9,000	30	8 & 10	30
R-1-10	10,000	30	10 & 14	30
R-1-12	12,000	30	10 & 15	30
	Lots 7500 sq. ft. or less*	25	8 & 10	25

*Lots of 7500 sq. ft. or less cannot be split

11C-1206 Modifying Regulations.

A. Side Setbacks. All structures shall have a minimum side setback of 20 feet on the street side of a corner lot.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.

C. No Stand-Alone Building or Garage is allowed in any Residential Zone.

11C-1207 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water requirements.

11C-1208 Developers Requirements. When ingress and egress is adjacent to existing residential

homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

CHAPTER 11C-1300 MFR Multiple Family Residence Zone.

11C-1301 Purpose. To provide appropriate locations for apartment house neighborhoods. The regulations permit a variety of multiple family dwellings and necessary public services and activities. Certain retail and service activities which are in harmony with the intent of the regulations are allowed, subject to control.

11C-1302 Permitted Uses.

A. Dwelling, single family
B. Dwelling, two, three, and four family, on an individual lot
C. Household pets
D. Accessory uses and buildings
E. Landscaping and gardening

11C-1303 Conditional Uses.

A. Art museum, public
B. Boarding house
C. Church
D. Dwelling, group
E. Dwelling, multiple family (greater than 4)
F. Fraternal beneficial societies
G. Hospital (not including animal hospital)
H. Institution providing residence and care for children
I. Public library
J. Lodging and/or boarding house (15 persons or less)
K. Parking lot for permitted or conditional uses
L. Public buildings
M. Public park or playground
N. Public utilities
O. School
P. Wedding chapel
Q. Home Occupation Daycare/Preschool
R. Home Occupation

11C-1304 Height Regulations. No building shall be erected to a height greater than 35 feet.

11C-1305 Area, Width and Setback Regulations.

		Minimum Setbacks (in feet)		
District	**Area in Square Feet**	**Front**	**Side**	**Rear**
RM-5	15,000	30	8 & 10	30
	Lots 7500 sq. ft. or less*	25	8 & 10	25

*Lots of 7500 sq. ft. or less cannot be split

11C-1306 Modifying Regulations.

A. Side Setbacks. All structures shall have a minimum side setback of 20 feet on the street side of a corner lot.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.

C. Area. For each two-family dwelling or more, 750 square feet additional for each additional family unit in a dwelling structure. For group dwellings, 5,000 square feet for the first separate structure plus 2,000 square feet for each additional separate dwelling structure.

D. Group Dwellings. These buildings shall be considered as one building for the purpose of front, side and rear setback requirements, the entire group as a unit requiring one front, one rear and two side setbacks as specified for single dwelling structures. Group dwellings shall be not more than two and one-half (2-1/2) stories or 35 feet in height. Each two and one-half (2-1/2) story group dwelling development shall have a minimum court of 30 feet in width and 40 feet in length in addition to its required setbacks. Each one story group dwelling development shall have a minimum court of 20 feet in width and 30 feet in length in addition to its required setbacks. In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or ends of a court than 10 feet.

E. No Stand-Alone Building or Garage is allowed in any Residential Zone.

11C-1307 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water requirements.

11C-1310 Developers Requirements. When ingress and egress is adjacent to existing

residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

CHAPTER 11C-1400 RR Recreational Residential Zone

11C- 1401 Purpose. To provide appropriate areas for recreational residential developments and related services and activities. Certain retail and service activities which are in harmony with the intent of this chapter are allowed subject to controls and approvals.

11C-1402 Permitted Uses.

A. Dwelling, single family
B. Dwelling, two family
C. Household pets
D. Accessory uses and buildings
E. Golf Course
F. Park or playground
G. Home Occupation
H. Landscaping and gardening

11C-1403 Conditional Uses.

A. Cluster residential dwellings on minimum sites of two (2) acres
B. Condominium residential dwellings on minimum sites of four (4) acres
C. Dwelling, group
D. Dwelling, multiple family
E. Lodge, private or public
F. Clubhouse
G. Riding stable, private or public
H. Utility structures and easements
I. Parking lot for permitted or commercial uses
J. Café or restaurant
K. Recreational vehicle storage structure

11C-1404 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet.

11C-1405 Area, Width and Setback Regulations.

		Minimum Setbacks (in feet)		
District	**Area in Square Feet**	**Front**	**Side**	**Rear**
RR	12,000	30	8 & 10	30
	Lots 7500 sq. ft. or less*	25	8 & 10	25

*Lots of 7500 sq. ft. or less cannot be split.

11C-1406 Modifying Regulations.

A. Side Setbacks. All structures shall have a minimum side setback of 20 feet on the street side of a corner lot.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.

C. Area. For each two-family dwelling or more, 750 square feet additional for each additional family unit in a dwelling structure. For group dwellings, 5,000 square feet for the first separate structure plus 2,000 square feet for each additional separate dwelling structure.

D. Group Dwellings. These buildings shall be considered as one building for the purpose of front, side and rear setback requirements, the entire group as a unit requiring one front, one rear and two side setbacks as specified for single dwelling structures. Group dwellings shall be not more than 35 feet in height. Each dwelling development shall have a minimum court of 30 feet in width and 40 feet in length in addition to its required setbacks. Each one story group dwelling development shall have a minimum court of 20 feet in width and 30 feet in length in addition to its required setbacks. In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or ends of a court than 10 feet.

E. No Stand-Alone Building or Garage is allowed in any Residential Zone.

11C-1407 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water requirements.

11C-1410 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

CHAPTER 11C-1450 HE Hillside Estates

11C – 1451 Purpose: To provide appropriate locations above the Garden City canal, where low density residential neighborhoods may be established and maintained to protect the natural beauty and wildlife. Encourage parks and playgrounds, which serve the requirements of the families. The regulations are intended to prohibit those uses that would be harmful to a single-family neighborhood.

11C – 1452 Permitted Uses:

A. Single family dwellings, ¾ acre lots minimum
B. Household Pets
C. Accessory uses and buildings
D. Landscaping and Gardening

11C – 1453 Conditional Uses:

A. Agriculture Tourism
B. Clubhouse
C. Golf Course
D. Parking lot for permitted use
E. Park or Playground, Public
F. Home Occupation. Which does not have more than two customers coming and going from the residence at the same time. No parking of construction equipment or storage of material.
G. Cluster Development

11C – 1454 Height Regulations. No main building shall be erected to a height greater than 35 feet and no accessory building shall be erected to a height greater than 35 feet.

11C – 1455 Area, Width and Setback Regulations.

		Minimum Setbacks (in feet)		
District	**Area in Square Feet**	**Front**	**Side**	**Rear**
HE	32,670 (3/4 acres)	30	15 & 15	30

	Lots 7500 sq. ft. or less*	25	8 & 10	25

*Lots of 7500 sq. ft. or less cannot be split

11C – 1456 Modifying Regulations.

A. Side Setbacks. All structures shall have a minimum side setback of 20 feet on the street side of a corner lot.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet provided that on corner lots rearing on the side setback of another lot, the minimum rear setback for all building shall be ten (10) feet.

C. No Stand-Alone Building or Garage is allowed in any Residential Zone.

Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with the sewer and water requirements.

Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.
(This ordinance was updated April 11, 2018)

CHAPTER 11C-1500 C Commercial Zone

Area		Minimum Setbacks (in feet)		
District	Area in Square Feet	Front (Side facing road)	Side	Rear
C1	Minimum of 6000 ft.	20 Feet	Ten (10) Feet	Ten (10) Feet
C2	Minimum of 6000 ft.	20 Feet	Ten (10) Feet	Ten (10) Feet
C3	Minimum of 6000 ft.	20 Feet (unless being used for residential purpose; if being used for a residential purpose, it must meet appropriate setbacks for a single family residential zone-R1)	Ten (10) Feet	Ten (10) Feet
C4	Minimum of 6000 ft.	20 Feet	Ten (10) Feet	Ten (10) Feet

Lots under 7500 sq. ft. cannot be split

11C-1501 Purpose. To provide areas for community retail and service activities in locations convenient to serve the residents and is compatible to the tourism industry and to protect surrounding residential property.

11C-1502 C1 Zone.

A. Permitted Uses.
   1. Stores, shops, and offices supplying commodities or performing services such as banks, business offices, and other financial institutions, hair salons, barbers, medical and dental offices, art galleries and similar enterprises provided that all uses can be conducted within the buildings.
   2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
   3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, and pool halls.
   4. Hotels and Motels
   5. Restaurants and Fast Food Establishments
   6. Department Stores

Owners of commercial property may choose to have a single family residence as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.
   1. Automobile Dealers
   2. Gas Stations with Convenience Stores
   3. Farmer's and Artisan's Market
   4. RV Park
   5. Stand Alone Accessory Building

11C-1503 C2 Zone.

A. Permitted Uses.
   1. Commercial parking lots
   2. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, provided all uses shall be within an enclosed building
   3. Commercial landscaping buildings
   4. Storage sheds
   5. Construction/labor/service showrooms, provided all uses shall be within an enclosed building
   6.
   7. Lumber yard, provided all uses shall be within an enclosed building
   8. Small scale manufacturing, provided all uses shall be within an enclosed building. Owners of commercial property may choose to have a single

family residence or multiple family residences as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.
   1. Automobile service stations for garages for repair of vehicles
   2. Farmer's & Artisan's Market
   3. RV Park
   4. Stand Alone Accessory Building

<u>11C-1504 C3 Zone.</u>

A. Permitted Uses.
   1. All uses for C1 Commercial Zone may be applied to C3 Commercial Zone.
   2. None of the uses for the C2 Commercial Zone may be applied to C3 Commercial Zone.
   3. Owners of C3 Zone properties may choose to use them as either single-family residence or multiple family residences as long as construction complies with the setbacks and guidelines of the respective type of residency.
      a. When C3 Zone property is used for the establishment of a business next to a residence, the business owner will be required to install a fence up to 8 feet between the two properties to provide for privacy.
      b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to install a fence, up to eight feet (8'), between the two properties for privacy.

B. Conditional Uses.
   1. Farmer's & Artisan's Market
   2. RV Park
   3. Church
   4. Storage Sheds (Can be no closer than 300' to Hwy 89, SR30 or 300 West)
   5. Stand Alone Accessory Building

<u>11C – 1505 C4 Zone.</u>

A. Permitted Uses.
   1. Stores, shops, and offices supplying commodities or performing Services such as banks, business offices, and other financial Institutions, hair salons, barbers, medical and dental offices, art galleries And similar enterprises provided that all uses can be conducted within the buildings.
   2. Accessory buildings and uses customarily incidental to the above that

are not required to be in another zone.

3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, and pool halls.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores

If owners of commercial property choose to build single family residences, it must meet the Single Family R-1 zone requirements.

B. Conditional Uses.

1. Automobile Dealers
2. Gas Stations with Convenience Stores
3. Farmer's and Artisan's Market
4. RV Park
5. Sexually Oriented Business
6. Kennels
7. Stand Alone Accessory Building

11C-1506 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet.

11C-1507 Area, Width, and Setback Regulations. See above table.

11C-1508 Landscaping and Front Elevations. For the beautification of Garden City, it is required that a landscaping plan, for the entire 10-foot front setback in C2 and 20-foot setback in C1 and C3 zone, be submitted and approved by the Planning Commission along with the front elevations of all buildings.

11C-1509 Architectural Standards. To ensure that Garden City continues to be aesthetically pleasing, all business buildings will be required to meet certain architectural standards. All business buildings shall have an outer appearance that is consistent with surrounding structures. All business buildings shall have 3 exterior walls (one of which must face the street) that are made of wood, glass, stone, brick, or stucco. The street facing exterior wall shall have a minimum of 25% stone or brick. Other materials may be approved through a Conditional Use, through a presentation with the Planning & Zoning Commission and approval by the Town Council. All materials are to have an earth tone color in nature and appearance. Architecture elevations must be reviewed and approved by the Planning Commission.

11C-1510 Parking. Refer to Ordinance 11C-300

11C-1511 Commercial Development Incentives. The Town Council of Garden City, at its sole discretion, may elect to reimburse all or part of any development fee or assessment and public infrastructure and service improvements associated with a business development. In addition, the Town may also elect, at its sole discretion, to provide public infrastructure and service

improvements within the Garden City limits as an incentive to attract new business that will enhance the tax revenue base of the Town.

11C-1512 Administration. All fees and infrastructure improvements will be paid by the business requesting consideration.

11C-1513 Maintenance. All owners of property shall maintain all buildings, landscaping, fences, walls, drives, parking lots, signs or other structures located upon said property in good and sufficient repair and shall keep such premises painted, windows glazed, and otherwise maintain the property in a safe and aesthetically pleasing manner. Lawns shall be kept in a mowed condition. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles. Remedial action shall be taken by the property owner to repair and prevent soil erosion on the property. No unsightly condition will be allowed. Any undeveloped property in a development parcel shall be either maintained as cultivated agriculture, mowed regularly during the growing season, or landscaped or paved within one year from occupancy of the first phase.

Any structure, planting, driveway, parking lot, or service area that is damaged by the elements, by vandals, by vehicles, or from fire or any other cause shall be repaired as promptly as the extent of damage will permit.

Vacant buildings shall be kept locked and the windows glazed.

11C-1514 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

(Ordinance updated January 10th 2019.)

11C-1515 Commercial Building Splits. Refer to Ordinance 11E-506B 5a.

(Approved December 9, 2010.)

CHAPTER 11C-1600 HC Highway Commercial Zone.

11C-1601 Purpose. To provide commercial areas on major highways for the location of traveler services and highway oriented commercial uses.

11C-1602 Permitted Uses.

A. All uses, subject to conditional use permit.
B. Landscaping and gardening.

11C-1603 Conditional Uses.

A. Restaurant or drive-in café

B. Motels
C. New and used automobile agency
D. Farm machinery and equipment sales
E. Nurseries and greenhouses
F. Mobile home sales
G. Drive-in theater
H. Bowling alley, other commercial recreation facilities
I. Automobile service station, auto accessories
J. Daycare/Preschool Centers
K. Accessory buildings and uses.
L. Stand Alone Accessory Building

11C-1604 Height Regulations. No building or structure shall be erected to a height greater than 35 feet.

11C-1605 Area, Width and Setback Regulations.

		Minimum Setbacks (in feet)		
District	**Area in Square Feet**	**Front**	**Side**	**Rear**
HC	20,000 Sq. Ft.	20	Ten (10) Feet	Ten (10) Feet

*Lots of 7500 sq. ft. or less cannot be split.

11C-1610 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

CHAPTER 11C-1650, H/M Hotel/Motel Zone

11C-1650 Purpose: To provide appropriate locations for Hotel and Motel development with community retail and service activities in locations convenient to serve the residents and compatible to the tourism industry and protect surrounding residential property.

11C-1651 Permitted Uses:

A. Stores, shops, hair salons, barbers, massage salons, art galleries and similar enterprises provided that all uses can be conducted within the Hotel/Motel building.
B. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.

C. Bowling alley, dance hall, skating rinks (roller or ice skating), theaters, arcades, and pool halls that must be incidental to the hotel/motel.
D. Restaurants and Fast Food Establishments that must be incidental to the hotel/motel.
E. Residential homes are allowed, but cannot exceed the height for the underlying residential zone.

11C-1652 Conditional Uses:

A. Gas Stations with convenience stores.
B. Parking lots.
C. Glamping.
D. Stand Alone Accessory Building

11C-1653 Height Regulations. Building heights may be extended beyond the thirty-five (35) foot limit in the Hotel/Motel zone. Special consideration should be taken with regard to view corridors of adjacent buildings. The maximum height of any building in this zone shall be reviewed by the Planning Commission and approved by the Town Council. The proposed height for all structures from the average original grade of the proposed building footprint shall be shown.

		Minimum Setbacks (in feet)		
District	Area in Sq. Ft.	Front	Side	Rear
H/M	43,560 (1 acre)	50	25	50
	217,800 (5 acres)	100	50	100
	Lots 7500 sq. ft. or less*	25	8 & 10	25

*Lots of 7500 sq. ft. or less cannot be split.

11C-1654 Landscaping and front elevations. For the beautification of Garden City, it is required that a landscaping plan, for the entire front setback, side setbacks and rear setback be submitted and approved by the Planning Commission and approval of the Town Council, along with the elevations for all views of the buildings.

CHAPTER 11C-1700 BD Beach Development Zone.

11C-1701 Purpose. To provide areas along the shoreline of Bear Lake for public and private water-oriented recreational and residential activities.

11C-1702 Permitted Uses.

A. Single family dwellings
B. Accessory buildings conducive to single-family dwellings.
C. Landscaping and gardening

11C-1703 Conditional Uses.

A. Note: No structures except those related to marinas will be allowed within thirty (30) feet of the 5,923.65 feet – Rocky Mountain Power datum contour level surrounding Bear Lake which contour represents the high water level of the lake.
B. Dwelling, two family
C. Dwelling, group
D. Dwelling, multiple family
E. Cluster residential dwellings
F. Lodge, private or public
G. Clubhouse private or public
H. Marinas
I. Home Occupation Daycare/Preschool
J. Accessory buildings and uses

11C-1704 Height Regulations. No building shall be erected to a height greater than 35 feet.

11C-1705 Area, Width and Setback Regulations.

		Minimum Setbacks (in feet)		
District	**Area in Square Feet**	**Front**	**Side**	**Rear**
BD	7,500	30	8 & 10	30
	7500 sq. ft. or less*	25	8 & 10	25

*Lots 7500 sq. ft. or less cannot be split

11C-1706 Modifying Regulations.

A. Side Setbacks. All structures shall have a minimum side setback of 20 feet on the street side of a corner lot.

B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet, provided that on corner lots rearing on the side setbacks of another lot, the minimum rear setback for all buildings shall be 10 feet.

C. No Stand-Alone Building or Garage is allowed in any Residential Zone.

11C-1707 Occupancy. Year-round housing shall be allowed within this zone. Subdivisions shall comply with sewer and water restrictions.

11C-1710 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

CHAPTER 11C-1800 M Manufacturing Zone

11C-1801 Purpose. To provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone and adjacent areas.

11C-1802 Permitted Uses.

A.

11C-1803 Conditional Uses.

A. Any manufacturing, processing, assembling, research, wholesale or storage use.

B. Accessory buildings and uses customarily incidental to the above uses.

C. Landscaping and gardening.

D. Restaurants and service stations.

E. Manufacture of any of the following products from raw materials; acids, asphalt, carbide, caustic soda, carbon or bone black, cellulose, charcoal, chlorine, fertilizer, hydrogen, industrial alcohol, nitrates of an explosive nature, plastics portland cement, potash, synthetic resins and fibers.

F. Any of the following processes: distillation of wood or bones; nitrating of cotton or other materials; reduction, refining, smelting and alloying of metals or metal ores; refining of petroleum and petroleum products; slaughtering and packing of animals larger than poultry or rabbits; tanning of raw, green or salted hides or skins.

G. Storage of fireworks or explosives except where incidental to a permitted use; manufacture of fireworks or explosives not permitted.

H. Automobile salvage and wrecking operations, and industrial metal, rag, glass or

paper salvage operations provided that all operations are conducted within a solid view obscuring wall or fence not less than 8 feet in height.

11C-1804 Height Regulations. No buildings shall exceed 35 feet.

11C-1805 Area, Width and Setback Regulations. Ten (10) Feet except that for any parcel in the M-1 zone having a lot line in common with a lot in an adjoining zone or lying across the street or alley from such adjoining zone, the front, side and rear setbacks as prescribed for the most restrictive adjoining zone shall be maintained in the M-1 zone.

A. Lots 7500 sq. ft. or less cannot be split.

11C-1810 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

This ordinance was updated on July 9, 2020.

CHAPTER 11C-1950 Planned Unit Development/Planned Residential Unit Development

11C-1951 Purpose. To encourage and enable mixed use and residential developments as described in section 11F-101 A and B.

11C-1952 5-Acre Minimum Size

11C-1953 Requirements for a Planned Unit Development or Planned Residential Unit Development. The following list of requirements for a Planned Unit Development or Planned Residential Unit Development (PUD/PRUD) are negotiable during the PUD/PRUD approval process:

A. Building Setbacks and yard requirements;
    1. Minimum setbacks are determined by the Fire Code requirements.
B. Parking requirements;
    1. Parking dimensions are stipulated by ordinance.
C. Internal traffic circulation;
D. Screening or fencing;
E. Landscaped areas;
F. Signs and lighting;
G. Commercial area;
H. Open spaces;
    1. Passive open spaces
    2. Active Open Spaces;
        a. Parks with playgrounds
        b. Swimming pools
        c. Tennis courts
        d. Open fields (grass maintained)

e. Trails
f. Other areas as recommended by developer.

11C-1954 Height. The Height of a building or structure within a PUD/PRUD cannot exceed 35' or 25' if in the Beach Development and cannot be negotiated.

11C-1955 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

(Approved April 11, 2018)

TITLE 11C-2000 Flag Lots

11C-2001 Purpose To provide a residential area that accommodates the development of dwelling types for single family dwelling units which fits the character of the existing city and provides an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

11C-2002 Permitted Uses

A. Single Family Dwellings

11C-2003 Conditions and Regulations Flag or L-shaped are subject to the following conditions:

A. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof;
B. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of a flag lot shall be thirty (30) feet, and the maximum length shall be one hundred fifty (150) feet;
C. No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width, for building lots, is the same or greater than the minimum width as allowed in the zoning district;
D. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts;
E. All lot size and setback requirements shall be the same as are required by the zone in which the lot is located and consistent with the proposed use of the lot. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown in the plat and approved by the planning commission and city council.
F. No more than two flag lots can be contiguous to each other;
G. Two flag lots may not share the same staff;
H. The maximum number of flag lots in a development shall not exceed 10 % of the total number of lots in the development.

(Approved and added February 8, 2007)

CHAPTER 11C – 2100 Affordable Housing

11C – 2101 Short Title. This ordinance shall be known as the Affordable Housing Ordinance of Garden City, Utah and may be so cited and pleaded.

11C – 2102 Purpose: The general purpose of this ordinance is to protect and promote the public health, safety, convenience, and welfare of the Town of Garden City, by establishing regulations for Affordable Housing developments (AHD).

11C – 2103 Objective: The objective of the Town of Garden City is to encourage developments which provide a range of housing opportunities for all identifiable economic segments of the population, including households of low and moderate income. It is the desire of the Town to focus its affordable housing efforts on monitoring the need for low to moderate income families to obtain housing that meets their needs and not focus merely on building low income units.

11C – 2104 Definition: Affordable Housing is defined as housing occupied by households with a gross income equal to or less than 80 percent of the median gross income of the Garden City area for households of the same size and should cost no more than 30 percent of a household's income. OR: Affordable Housing as defined by the Federal Affordable Housing guidelines.

11C – 2105 Requirements: Prior to any application to the Planning Commission or Town Council, or prior to applying for a building permit, the developer must show that they are certified as an Affordable Housing Development. There can be no waiver of this requirement.

The developer will need to follow all federal rules.

11C – 2106 Fee Reduction: Developers building affordable home units for sale or rent to income-eligible households may seek a fee reduction of which would become due prior to each unit receiving their Certificate of Occupancy. The fees to be reduced may include the building permit fees, the road and park impact fees and the review fees. The reduction of fees shall be negotiated with the Town Council and will bee no more than a 50% reduction. The reduction of fees may be up to 50% and should be negotiated with the Town Council. There will be no reduction for water impact or connection fees, which must be paid at the time the building permits are issued.

11C – 2107 Development Standards: Developers building affordable home units for sale or rent to income-eligible households may seek for a modification of development standards. i.e. density, accessory structures, reduced setbacks, or street design modifications.

If a certified AHD is seeking modification of development standards, the developer must provide a conceptual plan and an explanation to the Town Council of why the requested modifications are needed.

Within a rental community, affordable units may not be substantively different from market rate units in size, amenities, or condition.

Certain modifications of development standards are awarded through administrative action. Other modifications require action of the Board of Adjustments.

11C – 2108 Building Density. Density of up to 50 percent above the normal density permitted by ordinance, may be provided but shall be subject to compatibility with the surrounding natural and physical environment, site constraints, concurrency management requirements and shall be in keeping with the purpose and intent of this chapter.

The affordable housing units should be disbursed throughout the project and not concentrated in one area on the site.

11C – 2109 Setbacks. Setback requirements may be reduced up to 25 percent provided such reductions are not permitted for structures along the periphery of the AHD. Reductions along the periphery shall be considered by the Board of Adjustments.

11C – 2110 Street Design. Modifications in street layout and design may be permitted subject to site constraints, type and intensity of development, and compatibility with surrounding development. The Garden City Public Works director or his designee may recommend such modifications as deemed appropriate to achieve the intent of this section. However, such recommendation will be in keeping with standard, safe engineering practice and construction standards generally shall not be modified.

11C-2111 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

11C – 2200 Food Truck Overlay Zone.

11C-2201 Purpose. To provide appropriate location(s) where Food Trucks may be established, maintained and protected. Where the use can support the continued success of the tourism economy while preserving the community character.

11C-1202 Permitted Uses:

A. Food Truck(s)
Must comply with all Food Truck requirements and licensing procedures.

11C-1203 Location. This zone will be located on parcel #41-16-000-0045, 41-21-491-0004 and 41-21-491-0003.

Approved May 9th, 2019

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TITLE 11D – LAND USE – A PROTECTIVE STRIP FOR CANAL RIGHTS

CHAPTER 11D – 100 Establishing a Protective Strip for Canal Rights of Way.

11D-101 For any construction, landscaping or development of any kind within 33 feet of the center line on both sides of a canal, no building permit shall be issued unless and until written authorization is obtained from any canal company whose right of way or easement is thereby affected. Any landowner, developer, contractor, or other person not otherwise identified herein prior to the recording of any plat, initiation of any construction which impacts upon any canal or the right of way of any canal within Garden City shall obtain a written release from the canal company impacted by the proposed development, construction, alteration or intrusion into the easement rights of the canal company. Canal is defined as the main artificial and/or natural waterway for transport of irrigation water as used, held and owned by an irrigation or canal company, but shall not include lesser or subordinate ditches.

11D-102 Such written consent from the canal company shall specifically identify the proposed impact to the canal, its banks, or easements, and shall specifically describe the action to be taken by the property owner, developer, contractor or other such person;

11D-103 No project, construction, landscaping or development of any kind shall intrude upon, impede, or effect in any way the canal or its right of way without first obtaining written approval from the canal company or companies. Said written authority to proceed must thereafter be presented to Garden City Planning and Zoning Commission for its review and approval prior to obtaining any other permits or approvals to proceed with construction or prior to any plats or other documents being recorded in the County Recorder's Office.

11D-104 All ordinances and parts of ordinances of Garden City in force at the time that this ordinance shall take effect and which are inconsistent herewith are hereby repealed insofar as the same shall affect this ordinance, provided however, that this ordinance shall be deemed a continuation of previous ordinances together with their amendments and not a new enactment, in all matters relating to questions of conforming or nonconforming uses, buildings, and structures and to questions as to the dates upon which such uses, buildings and structures become conforming or nonconforming.

11D-105 Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the parts that are declared invalid.

11D-106 In the opinion of the Town Council of Garden City, a public emergency exists and it is necessary for the immediate preservation of the peace, health and safety that this ordinance shall take effect immediately upon its adoption and posting.

11D-107 Any crossings of the canal such as roads, water lines, telephone, sewer, etc., shall require prior approval of the company or companies and said petitioner shall obtain a written permit from the companies before proceeding.

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TITLE 11E - LAND USE – SUBDIVISION

CHAPTER 11E-100 General Provisions

11E-101 Administration - The Garden City Planning Commission shall have the duty of administering the regulations contained in this ordinance, and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.

11E-102 Purpose

A. The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience and general welfare of the inhabitants of Garden City in the matter of subdivision of land and related matters affected by such subdivision.

B. Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the Planning Commission.

C. Before any changes are made, i.e.; to commercial zones, lot split, or lot line adjustments, all property shall conform to city ordinances.

D. In cases where unusual topographical or other exceptional conditions exist exceptions from this Ordinance may be granted by the Town Council after recommendation by the Planning Commission.

Approved April 10, 2014

11E-103 Scope of Ordinance If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance. All Resolution of Ordinances found to be in conflict with this Ordinance be, and the same are hereby, rescinded.

A. No person shall subdivide any tract of land which is located wholly or in part within the boundaries of Garden City except in compliance with this Ordinance.

B. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed, conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to an in accordance with the provisions of this Ordinance provided, that this Ordinance shall not apply to the bona fide division of land for agriculture, purposes. The word subdivision and any derivative thereof shall have reference to the term subdivision as herein defined.

CHAPTER 11E-200 Definitions

11E-201 Definitions. – See Section 11A-200 for all Definitions

CHAPTER 11E-300 Subdivision Procedure

11E – 301 Administration - The Town Council, Planning Commission, with assistance of the Town Clerk or Assistant Clerk, have the duty of administering the regulations contained in this ordinance, and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.

11E-302 Procedure

A. Before dividing any tract of land into two or more lots, a subdivider shall:

1. Each lot within a subdivision must be surveyed and have permanent markers.
2. Any person desiring to subdivide or re-subdivide land shall submit an application therefore to the Clerk fourteen (14) days prior to the Planning Commission meeting for which the applications is to be considered.
3. Meet with the Planning Commission to discuss the proposed subdivision.
4. If Developer is phasing within development (Look at definition 11A-200 – Stand Alone Phasing) each phase shall stand alone.

(This ordinance was updated January 8, 2015)

CHAPTER 11E-400 Preliminary Plat.

A. Preliminary Plat Procedure.

Prior to the submission of an application, the applicant may attend a conference with the Commission to discuss the application and procedures. The applicant may also request to be placed on the Commission's agenda to discuss general concepts but no approvals shall be given prior to the submission of an application.

1. Application. Any person desiring to subdivide or re-subdivide land shall submit a completed application and preliminary plat data as required to the Clerk fourteen (14) days prior to the Planning Commission meeting for which the preliminary plat is to be considered.
2. Acceptance by Clerk. Upon receipt of the completed preliminary plat application and data, the Clerk shall declare the application as complete and affix the date of acceptance thereon. Thereafter, the Clerk shall place said preliminary plat on the Commission agenda for consideration at a regular meeting of the Commission.
3. Review by Departments and Agencies. After receipt of a completed preliminary plat application, the Clerk shall transmit one copy of the application and preliminary plat to other Town departments and to such other government agencies as have jurisdiction over, or interest in, the proposed subdivision for their recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within fourteen (14) days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered granted. The departments and agencies to which preliminary plats may be referred include all pertinent applicable

Town departments, district health department, Utah Public Utilities Commission, Commissions of other governing bodies having joint jurisdiction, appropriate utility companies, soil conservation district, and such other departments or agencies as the Planning Commission deems necessary in order to carry out the full intent of this Ordinance.

4. Review by Commission. The Commission shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to insure that said application and plat are in conformance with all applicable rules and regulations. The Commission Chair shall report, verbal or written, and make recommendations to the Council.

11E-401 Approval of Preliminary Plat

A. The Planning Commission**,** Town Council, and other interested departments, agencies or utility operator may review the preliminary plat and visit the site of the proposed subdivision. Following this investigation, the Planning Commission shall recommend the approval or disapproval of the preliminary plat as submitted or modified. The Planning Commission shall not take action to approve or disapprove the plat until written approval is received from each of the interested departments, agencies or utility operator. If no written comments are received within fourteen (14) days the Planning Commission will move forward without comment from the reviewing departments/agencies. If the preliminary plat is approved, the Clerk shall send one copy of the plat signed by the Planning Commission Chair to the Town Council with any conditions attached. The Clerk shall retain one (1) signed copy of the plat for the Town files. If the preliminary plat is recommended to be disapproved, the Planning Commission shall indicate its disapproval by distributing signed copies of the plat bearing the reasons for the recommended disapproval.

B. Council Action on Preliminary Plat. Submission of a preliminary plat upon review by the Commission to the Council shall be mandatory. The Council shall consider the subdivision application at its next available regular meeting. The subdivider, at his request, shall be entitled to at least one continuance. The Council shall consider the preliminary plat, subdivision application and data, the report and recommendations of the Commission, and shall hear testimony of the subdivider and any witnesses in his behalf, and testimony of representatives of the Commission, and any witnesses including interested citizens. Upon conclusion of its consideration of the preliminary plat, the Council shall approve, conditionally approve, or disapprove the plat and make findings consistent with law and this Ordinance. Upon approval of the preliminary plat by the Council, the subdivider shall prepare required improvement design plans in accordance with this ordinance and additional condition(s) imposed by the Council. The receipt of a signed copy of the approved preliminary plat shall authorize the subdivider to proceed with the preparation of the final plat. Upon approval of the improvement designs by the City engineer, the subdivider shall commence construction on the required improvements.

11E-402 Preliminary Plat Requirements

A. Contents of Preliminary Plat.

1. The preliminary plat, together with all forms required with application, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall show the following (unless otherwise indicated):
2. Preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements.
3. An electronic copy of the preliminary plat and preliminary engineering plans.
4. Vicinity Map. An 8-1/2" x 11" vicinity map, suitable for public presentation drawn to a scale of 1" = 300' or larger (i.e., 1" = 200', etc.) which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:
    a. A minimum distance of 600' beyond all boundaries of the proposed development.
    b. A north point.
    c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.
    d. Clear identification of the boundary of the proposed development and its proposed roadway alignments labeled with proposed street names.
5. Legal description of the area platted.
6. Lot area of each lot.
7. Description. In a title block located in the lower right hand corner of the sheet shall appear the following:
    a. The proposed name of the subdivision, which shall not be the same or confusing with the name of any other subdivision in Garden City or Rich County, Utah.
    b. The location of the subdivision including the address and the section, township and range.
    c. The names and addresses of the owner of, subdivider if other than the owner, and the engineer or designer of the subdivision.
    d. Date of preparation, scale (minimum of 1" = 100 ft. in standards subdivisions and 1" = 200 ft. in recreational subdivisions), and north point.

B. Documentation. The preliminary plat application shall include copies of the following documents:

1. A current title report shall be provided at the time that the preliminary plat is filed with the Clerk together with a copy of the owner's recorded deed to said property.

2. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application.
3. Any other information determined by the Town to be necessary for review of the preliminary plat application.
4. A statement of the intended use of the proposed subdivision.

C. Existing Conditions. The plat shall show:

1. Existing zoning of the tract.
2. A list of the owners of the properties within three hundred (300) feet of the exterior boundaries of the proposed project. The owners list shall include the name of all owners, their addresses, and a general description of the property owned by each.
3. The names and the intersection boundary lines of adjoining subdivisions and parcels of property.
4. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses.
5. The boundaries of the floodplain and/or floodways shall also be clearly delineated and marked on the preliminary plat.
6. Approximate location and identification of known (to either the applicant or his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high groundwater.
7. The location of the nearest benchmark or monument.
8. The boundary of the proposed subdivision and the acreage included.
9. Boundary description and the area of the tract.
10. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the sub dividers' land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other Planning Commission studies.
11. The location, width and names of all existing streets within two hundred (200) feet of the subdivision and of all prior platted streets or other public ways, and utility right-of-ways, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within adjacent to the tract.
12. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries.
13. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred (100) feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.
14. The location, size, and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or

immediately adjacent to the proposed sanitary or storm sewers (a minimum distance of one hundred (100 feet), water mains, and storage facilities, street improvements, street lighting, curbs, and gutters, and all proposed utilities (may be shown only on the engineering plans).

15. Existing ditches, canals, natural drainage channels and open waterways, and proposed realignments.

16. The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat. The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of one hundred (100) feet, to the proposed subdivision (may be shown only on the engineering plans).

17. Boundary lines of adjacent tracts of un-subdivided land, showing ownership where possible.

18. Contours at vertical intervals of not more than two (2) feet in standard subdivisions and not more than ten (10) feet in recreational subdivisions. High-water levels of all water courses, if any, shall be indicated in the same datum for contour elevations.

D. Proposed Plan. The subdivision plan shall show:

1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements.
2. A minimum of two (2) entrances/exits required for each subdivision. All roadways shall have recorded easements. (Roadways shall be designed to incorporate the overall roadway plan for Garden City)
3. The layout, numbers and typical dimensions of lots.
4. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
5. The location, approximate size, and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
6. Building setback lines - including showing dimensions where required by the Planning Commission.
7. Easements for water, sewers, drainage, utility lines and other purposes, if required by the Planning Commission.
8. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right-of-way width and pavement width of streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions.

9. A contour map of the subdivision with contour lines and a maximum interval of five feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data approved by the City engineer,

10. Typical street cross-sections and grade of streets where required by the Planning Commission.

11. A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision.

12. The direction of drainage, flow, and approximate grade of all streets (may be shown only on the engineering plans).

13. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.

14. A plan that ensures that open space areas are adequately maintained.

15. For multi-phase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns.

16. If a development is constructed in phases, each phase shall have not less than a pro-rata share of the amenities proposed for the entire project. Initial phases of a development shall include not less than a pro-rata share of the entire development's proposed amenities, with initial phases having priority to such pro-rata share for amenities than subsequent for later phases of the development.

11E-403 Improvements

A. The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat unless the conditions of Section C. Guarantee of Completion of Improvements are met.

B. Departmental Standards. Standards for design, construction, specifications and inspection of street improvements, curbs, gutters, sidewalks, standards for water distribution, sewage disposal facilities by the Bear River Health Department or the Bear Lake Special Service District, storm drainage, and fire hydrants, all shall be stipulated by ordinance. All subdividers shall comply with the standard established by such departments and agencies.

C. Design Standards. The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission and by other departments and agencies. Design standards shall be approved by the Planning Commission as outlined in this ordinance herewith.

CHAPTER 11E-500 Final Plat.

11E-501 Final Plat After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and the Utah Code. Upon completion of said final plat, the subdivider shall file same and all other documents required, with the Clerk. Then the Clerk shall place said final plat upon the Commission's next available regular meeting agenda. In the event that the Commission finds that the final plat does not substantially conform to the approved preliminary plat, the Commission shall consider said plat a revised preliminary plat and schedule an additional public hearing and review. The subdivider shall submit the final plat and plan specifications of all required improvements together with a current title report showing proof of ownership in the land to be subdivided. When submitted to the Clerk, the final plat shall bear all required certificates, acknowledgments and signatures. Upon receipt of a final plat in compliance with all requirements and all conditions placed upon the preliminary plat, the Clerk will place the Final Plat on the next Council available regular meeting agenda. Based on the recommendation of the Planning Commission the Council shall approve or disapprove the final plat. If the Final Plat is approved the Mayor shall affix the date of acceptance and his signature thereon. Unapproved Final Plats are remanded back to the Commission for their action with the applicant.

11E – 502 Acceptances of Dedications Approval of the final plat by the Council shall constitute acceptance of all dedications for public streets, rights-of-way, easements, and other lands dedicated for public purpose or use as shown thereon. As a condition precedent to the acceptance of any streets or required improvements, the Council shall require that the subdivider install said improvements in accordance with the construction standards, and that condition shall be noted on the final plat.

11E – 503 Time Limitations The failure to obtain final plat approval by the Council of an approved preliminary plat within twelve months after approval by the Council shall cause all approvals of said preliminary plat to be null and void unless the subdivider applies for, and is granted, a written extension by the Council. The final plat shall be filed with the Rich County recorder within six months after final plat approval by the Council. Failure to file said final plat within that time shall cause all approvals of said final plat to be null and void. No lots shall be sold and no building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.

11E -504 Contents of Final Plat;

A. Description and Delineation.

The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of twenty-four (24) inch by thirty-six (36) inch paper with no part of the drawing nearer to the edge than one-half inch, and shall be in conformance with the provisions of Utah Code. The reverse side of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information.

Following approval of the final plat, the developer must have the final plat prepared and signed with ink by a land surveyor currently licensed in the State of Utah on a sheet of approved tracing linen or matte Mylar 24" X 36" scaled 1" - 100'; the top of the final plat shall be either north or east, whichever accommodates the drawing best; a copy of the submitted plats for subdivisions must be provided on 18" X 18" Mylar, scaled 1" = 100' for plats containing one or more lots of less than 2 acres; and 1" = 200' for plats containing one or more lots of 2 to 5 acres; and 1" = 400' for plats containing all lots of greater than 5 acres. (All submitted 18" X 18" plats must conform to standard drawing 11E-504.) The plat shall contain all information required on the preliminary plat except contours and shall comply with Garden City Ordinance 11E-504 as stipulated by the Town Council. The completed Mylar shall also require the following:

1. Review by the Mayor and the Planning Commission Chair prior to recording.
2. Following the final review the prepared plat will be signed by the required entities and will be recorded at the Rich County Recorder's Office.

B. The plat shall contain all information required on the preliminary plat except contours and shall comply with the following:

1. The name of the subdivision which name has been reviewed and approved by the Rich County Clerk.
2. Names and locations of all adjoining subdivisions.
3. Tract boundary lines, property lines, lot lines, street right-of-way and center lines, other rights-of-way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway, all with bearings, accurate dimensions in feet and decimals thereof, in degrees and minutes and radii, arcs, central angles, tangents, and chord lengths of all curves to the above accuracy.
4. An identification system for all lots and blocks and name and right-of-way width of each street and other pubic rights-of-way. Lot lines shall show dimensions in feet and decimals thereof. Total area of each lot will also be shown to the nearest square feet for lots under one acre and to the nearest one tenth of an acre for lots over one (1) acre.
5. Location, width, names of all existing or dedicated streets, and other public ways within or adjacent to the proposed subdivision.
6. Addresses shall be provided for each lot on the final plat, calculated per the Rich County Addressing System. The lots shall be numbered consecutively throughout each block.
7. True angles and distances to the nearest established street lines or official monuments shall be accurately described in the plat and shown by appropriate symbol.
8. Radii, internal angles, points of curvature, points of tangency, length of long chords, tangent lengths, and lengths of all arcs shall be shown.

9. The accurate location of all monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position.
10. The dedication to the Town all streets and highways included in the proposed subdivision which are identified by the Planning Commission to be dedicated. Street monuments shall be installed by the subdivider's engineer or land surveyor at such points designated on the final map as are approved by the Town engineer.
11. Pipes or other such physical markers as shall be placed at each lot corner.
12. The outline of any property other than a street, alley, or easement which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked “Dedicated to the Town of Garden City for Public Use”, together with any other descriptive language with regard to the precise nature of the use of the land so dedicated.
13. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in an approved form.
14. The plat shall be accompanied by a letter from the Rich County Treasurer indicating the proper taxes are paid and current.
15. Location, dimension, and purpose of all easements, public or private.
16. Point of beginning of subdivision description tied to at least two governmental survey corners/bench marks.
17. Scale, north arrow and date.

C. The final plat shall require the following certifications, legal reviews, and approvals:

1. Certification and signature of reviewing surveyor verifying that the subdivision meets all Town requirements. Certificate by registered surveyor preparing the map certifying to the accuracy of surveying plat,
2. The owner's "Certificate of Dedication".
3. A notary public's "Acknowledgment".
4. The Utah State Board of Health's "Certificate of Approval", or Bear Lake Special District “Certificate of Approval”.
5. Certification and signature of the Town engineer verifying that the subdivision and design standards meet all Town requirements.
6. The Town Attorney's "Certificate of Approval”.
7. Certification and signature of the Clerk of the Town of Garden City attesting that the subdivision has been approved by the Council.
8. Certification of owner(s) of record, and all holders of security interest(s) of record with regard to said property.
9. A provision in the owner’s certificate referencing the county recorder’s instrument number where the condominium declaration(s) and/or articles of incorporation of homeowner’s association governing the subdivision are recorded.

10. Notation of any additional restrictions imposed by the Council or the Fire District Fire Chief on the development of said subdivision to provide for the public health, safety, and welfare.
11. A current title report of all property contained within the plat. The title which shall include the name of the subdivision, the name of the Town, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, and range.
12. Certification that all water rights have been transferred to the Town of Garden City.
13. A one-and-one-half by five-inch space in the lower right-hand corner of the drawing for official agency use.
14. Twelve copies of the final plat shall be filed with the Clerk prior to being placed upon the Commission's agenda. Three copies shall be 24" x 36". The remaining copies may be 18" x 18". One copy of the final plat as approved by the Council and signed by the Mayor shall be filed with the Clerk and retained by the Town. An additional copy of the final plat as approved by the County and signed by the Mayor will be filed with the Rich County Recorder.
15. Two electronic copies of the final plat shall be provided to the Clerk in PDF Format.
16. A copy of the provisions of the articles of incorporation and by-laws of homeowner's association and/or condominium declarations to be filed with the final plat of the subdivision.

<u>11E-505 Infrastructure</u>

A. The infrastructure set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat unless the conditions of Section C. Guarantee of Completion of Infrastructure are met. Construction design plans thereof shall be submitted and approved by the Town engineer. All such infrastructure shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the Town.

B. Infrastructure Plans - Prior to approval of final plat by the Commission, the subdivider shall file two copies with the Clerk and the Town engineer shall approve construction plans for all infrastructure required in the proposed subdivision. Said plans shall be prepared by a civil engineer licensed in the State of Utah.

C. Guarantee of Completion of Infrastructure Financial Guarantee Arrangements: In lieu of the actual installation of required public infrastructure before filing of the final plat, the Council requires the subdivider to provide a financial guarantee of the performance as specified below for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public infrastructure.

1. Cash Deposit:

a. Accrual: the cash deposit shall accrue to the Town of Garden City covering construction of all utility infrastructure (See definition in

11A-200); and operation and maintenance of the specific public infrastructure.

b. Amount: the cash deposit shall be in an amount equal to one hundred twenty-five percent (125%) of the total estimated cost for completing construction of the specific public infrastructure as reviewed by the Garden City engineer and approved by the Town Council provided the term length is one year or less. A cash deposit for time periods of more than one year shall be in an amount equal to one hundred fifty percent (150%) of the total estimated cost for completing construction of the specific public infrastructure and shall be for no more than a term of twenty four (24) months after final approval.

c. Term length: the term length in which the cash deposit is in force shall be for a period of twelve (12) months at one hundred twenty five percent (125%) of total estimated cost of completing construction of specific public infrastructure. If an additional 12 month extension is needed, it may be granted by the Town Council. The extension will be granted ONLY if progress (25% minimum) of the infrastructure has been completed. The additional twelve (12) months cash deposit shall be in the amount equal to one hundred fifty percent (150%) of the remaining Engineer's total estimated cost for completing construction of the specific public infrastructure that is unfinished.

If the developer intends to extend his cash deposit he will need to submit a written request to the Town Council, along with the amount of the remaining percentage of costs thirty (30) days prior to the expiration of the first cash deposit. The second cash deposit of one hundred fifty percent (150%) of the remaining costs needs to be in place before the first cash deposit expires. The Town Engineer will calculate the remaining costs and his fee will be paid by the developer.

d. Escrow Agreement: the escrow agreement shall be drawn and furnished by the developer and approved by the Town Council.

e. Treasurer, escrow agent or trust company: a cash deposit, acceptable by the Town Council shall be deposited with an escrow agent or trust company.

f. Progressive payment: in the case of cash deposits an agreement between the Town Council and the subdivider may provide for progressive payment out of the cash deposit to the extent of the cost of the completed portion of the public infrastructure in accordance with a previously entered into agreement.

2. Condition approval of final plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

   a. The construction of infrastructure required by this ordinance shall have been completed by the subdivider and approved by the Council.

   b. Surety acceptable to the Council shall have been filed in the form of a cash deposit.

3. Inspection of public infrastructure under construction: before approving a final plat and construction plans and specifications for public infrastructure, an agreement between the subdivider and the Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

4. Penalty in case of failure to complete the construction of a public infrastructure: In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public infrastructure, it shall be the responsibility of the Council to proceed to have such work completed. In order to accomplish this, the Council shall reimburse Garden City for the cost and expense thereof by appropriating the cash deposit to complete the infrastructure and as included in a written agreement between the Council and the subdivider. The project infrastructure shall be reviewed by the Planning Commission 6 months after final approval to determine if infrastructure will be completed within the time line of the Guarantee of completion.

5. Building Permits. No Building Permits will be issued until all infrastructure required by the Planning Commission or the Town Council are complete and signed off by the Public Works Dept., Sewer Dist. and Town Engineer.

Approved June 12, 2014

Chapter: 11E – 506 Readjustments of Lot Lines or Lot Splits

A. An owner or subdivider wishing to readjust lot lines, as hereinabove defined, shall be required to file one copy of the plat, a survey, a deed for both lots/parcels and a completed application with the Clerk for administrative review. The Clerk shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application. Following expiration of the said comment period, and upon a finding by the Planning Commission Chair and Mayor, or his designee, that the plat conforms to the readjustment of lot line definition and is in compliance with the provisions of

this ordinance, the Planning Commission Chair and Mayor, or his designee, shall approve same or approve with conditions necessary to find same in compliance with the provisions of this ordinance.

Upon a finding by the Planning Commission Chair and Mayor, or his designee, that the application does not conform to said definition or is not in compliance with this ordinance, the Planning Commission Chair and Mayor, or his designee, shall deny said application and shall state the reasons therefore in writing and a copy signed by the Planning Commission Chair and Mayor, or his designee, attached to one copy of the plat shall be returned to the applicant. Upon approval of an application and upon satisfaction by the applicant of any conditions attached thereto, the Planning Commission Chair and Mayor, or his designee, shall inform the Town Clerk. Any questions with regard to the interpretation and/or applicability of this section or other sections shall be referred to the Council by the Planning Commission Chair and Mayor, or his designee, for determination.

B. Lot Splits

1. The lot split procedure cannot evade the Town's requirements for subdivisions using multiple lot splits and must be reviewed by the Planning Commission and Mayor, or his designee. The lot-split procedure may be used to create only one additional lot. That lot must conform to the underlying zone. The lot created by the lot split and the parent parcel may not be further divided for five years.
2. Both lots must meet the requirements of the zone of the parcel being split, i.e. minimum lot size, setbacks, etc. Both lots must have safe legal access, including access for utilities.
3. If the parent parcel is later subdivided the lot created by the lot split will be required to be included in the subdivision and all improvements required for subdivision will be made to the lot from the original split.
4. Non-conforming lots cannot be created as a result of a lot split.
5. All lot splits shall require a Lot Split Covenant to Run With the Land on both the parent parcel and the lot created that requires a 5-year waiting period on the splitting of lots from the original split.
    a. The Commercial buildings within the Commercial zones do not need to wait 5 years to split.
6. The Commission Chair and Mayor, or his designee, shall determine whether the proposed lot split is in compliance with the General Plan and this ordinance. If they find that the proposed lot split complies, they shall approve the application. If they find that the proposed lot split is not in compliance, they shall disapprove or deny the application. The applicant may request a final review by the Planning Commission or Board of Adjustments. Conditions may be attached to an approval, as provided herein.
7. The Clerk shall notify the developer and interested parties of the decision within 10 days. A deed for both lots/parcels shall be filed with the Town Recorder.

8. The final decision may be appealed to the Board of Appeals using the appeals procedure in the Board of Appeals Chapter.
9. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

11E - 507 As-Built Drawing. Prior to acceptance by the Council of any improvements installed by the subdivider, two sets of "as-built" plans and specifications certified by the subdivider's engineer shall be filed with the Town engineer. Within ten (10) days after completion of improvements and submission of "as-built" drawings, the Town engineer shall certify the completion of the improvements and the acceptance thereof, and shall submit a copy of said certification to the Clerk and the subdivider. Thereafter, the Town Clerk shall release the performance bond upon application by the subdivider.

11E – 508 Monumentation Following completion of construction of the required improvements and prior to certification of completion by the Town engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, type of material as shown on the subdivision plat. The monuments shall be located as follows:

A. All angle points in the exterior boundary of the plat,
B. All street intersections, points within and adjacent to the final plat,
C. All street corner lines ending at boundary line of final plat,
D. The point of beginning of the subdivision plat description.

11E – 509 Lot Requirements

A. Lot size, width, depth, shape, and orientation, and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings,

B. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contain land with a slope in excess of twenty-five (25) percent based upon natural contours, or create corner lots at the intersection of two or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, water courses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "buildable lot." Building envelopes shall be established outside of hillsides of twenty-five (25%) percent and greater and outside of the floodway,

C. Corner lots shall have a property line curve or corner of a minimum radius of twenty-five (25) feet unless a longer radius is required to serve an existing or future use,

D. Side lot lines shall be within twenty (20) degrees to a right angle or radial line to the street line,

E. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot(s) be created out of necessity, then such lot(s) shall be reversed frontage lot(s),

F. Minimum lot sizes in all cases shall be reversed frontage lot(s),

G. Every lot in a subdivision shall have a minimum of twenty (20) feet of frontage on a dedicated public street unless the Council approves a private street.

11E – 510 Block Requirements

A. The length, width, and shape of blocks within proposed subdivisions shall conform to the following requirements:

B. No block shall be longer than one thousand sixteen hundred (1,600) feet, nor less than four hundred (400) feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots,

C. Blocks shall be laid out in such a manner as to comply with the lot requirements,

D. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, water courses and topographical features,

E. Corner lots shall contain a building envelope outside of a seventy-five (75) foot radius from the intersection of the streets.

F. Blocks shall be wide enough to adequately accommodate two tiers of lots.

G. Dedicated walkways through the block may be required where access is necessary to a point designated by the Planning Commission.

H. Blocks intended for business or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.

I. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.

J. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning ordinance, if any for the zone in which the subdivision is located and to the minimum requirements of the Town of Garden City Public works Department, Utah State Board of Health, Bear River District Health Department and Bear Lake Special Service District for water supply and sewage disposal. The minimum width for any residential building lot shall not be less than that specified by the zoning ordinance. The minimum area of such lot shall be not less than that approved by the Utah State Board of Health, or that required by the zoning ordinance, whichever area is largest.

K. Each lot shall, unless otherwise approved by the Planning Commission, abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than eighteen (18) feet wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.

L. Sidelines of lots shall be approximately at right angles, or radial to the street lines.

M. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

11E – 511 Sewers

A. All subdivision sewer systems within the Town area of impact shall be connected to a public sewer system provided that such service is available. Septic sewer systems will be allowed upon approval by the Bear River District Health Department. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the Town engineer, Council, the Bear Lake Special Service District, and Utah Health Department prior to final plat approval.
The central collection system shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and shall be connected to an adequate outfall. A storm water drainage system subject to the approval of the Planning Commission shall be provided, and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer.

B. Storm Drainage - No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch, canal company, or of the water users for such use. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch.

11E – 512 Water All subdivisions/developments or commercial uses wanting to maintain private access must provide a compound/bulk meter and comply with the specifications as outlined by the Garden City Public Works Standards Specifications & Drawings. Connection to the Town of Garden City water system is required for all lots, unless other arrangements for water have been made and approved by the Garden City Town Council. All water connections

are subject to the approval of the Garden City Town Council upon recommendation from the Town Water Rights Engineer and the Town of Garden City Public Works Department. All applications for water or submittal of water rights to the Town will be made to the Town Water Rights Engineer. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the City under the supervision of the Garden City Fire District and other regulatory agencies having jurisdiction thereover. All water systems installed shall be looped extensions and no dead-end systems shall be permitted. All water systems in an area of Town impact shall be connected to the municipal water system and shall meet the standards of all required agencies.

The subdivider will furnish to the Planning Commission a complete mapping system of all water lines, fire hydrants, water meters, and water tanks that will be constructed throughout the entire subdivision.

This mapping system will include; line size/s, hydrant location/s, meter size/s and location/s, valve/s and location/s, pump station/s and specific pump size/s, tank location/s and size/s, and bulk meter location/s if applicable. All electric that will be needed for the water system will be included. A construction easement and maintenance easement will be identified in the mapping system. The subdivider will work in accordance with the Town engineer to meet the Town water system requirements. Fire hydrant requirements and flow measures will be handled through the Garden City Fire District.

11E – 513 Utilities In addition to the terms mentioned hereinabove, all utilities including but not limited to, electricity, natural gas, telephone, and cable serves shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.

A. Rocky Mountain Power's electrical distribution system policy for developers in residential developments (subdivisions) based on Tariff No. 43, Electrical Regulation No. 12, Line Extensions.

B. For all lots the Power Company designs the electrical system based on the plat map. The developer is responsible for all trenching and transformer pads, junction boxes, switching cabinets and any other equipment foundations or pads for underground equipment.

C. In developments where transformer placement can be determined prior to homes being built (generally lots up to one acre in size) the developer pays to make secondary voltage service (120/240 volt single-phase) available to each lot. For underground systems the secondary voltage at the lot line may be at either: the secondary lugs of the transformer; or, if the transformer does not border the lot, a secondary junction box. The cost of the service from the lot line to the home is the individual lot owner's responsibility.

D. In developments where transformer placement can not be determined prior to homes being built (generally lots over one acre in size) the developer pays to make primary service available to each lot. The cost of extending the primary onto the lot, and transformer and service necessary to serve each home is the

individual lot owner's responsibility.

E. The Phone system will be in compliance with local communications provider.

11E – 514 Street Improvement Requirements

A. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land. No street, public or private, shall be narrower than thirty (30) feet.

B. At least ten (10) days prior to the commencement of any road or street construction including the cutting of any road or street, the subdivider shall furnish to the Planning Commission a complete set of construction plans and profiles of all streets existing and proposed, within the subdivision. Paved roads may be required in certain zones. Plans are to be prepared by a licensed professional engineer and shall be accompanied by the final plat. The Planning Commission shall, within a reasonable time not to exceed thirty (30) days from the receipt of the plans, notify the subdivider of approval or disapproval, and in case of disapproval of the reasons therefore. Such plans and profiles shall include:

1. The designation of limits of work to be done.
2. The location of the benchmark and its true elevation according to Rich County datum, all profiles to be referred to that datum.
3. Profiles which indicate the finished and existing grades for each side of the street. Separate profiles, clearly designated, shall be made for each side of the street.
4. Construction plans which include the details of curb and gutter if required and street cross-sections, location and elevation of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify evaluation of improvements.
5. Complete data for field layout and office checking.
6. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage of intersections.
7. The street address of the project if applicable.

C. All streets (roads) in Garden City shall not exceed 8% grade. If special conditions exist on steeper slopes, the variance committee may grant up to 10% grade for a short distance of 200 feet. The 10% grade cannot be on any corner or intersection.

D. All streets within a subdivision shall be improved to an overall width in accordance with the standards rules and regulations adopted by the Town of Garden City.

E. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of-way, the Council may require a

frontage street, planting strip or similar design features.

F. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods and designed to accommodate for future expansion.

G. In general, partial dedications shall not be permitted, however, the Council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the Council finds it practical to require the dedication of the remainder of the right-of-way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated.

H. Dead-end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead-end street serves more than two lots, a temporary turn-around easement shall be provided which easement shall revert to the adjacent lots when the street is extended.

I. A cul de sac, court, or similar type street shall be permitted only when necessary to the development of the subdivision. **See ordinance 11A-200 for cul-de-sac requirements and 11A-200 for court requirements.**

J. Pavements where required shall be constructed in accordance with the regulations adopted by the Town of Garden City.

K. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider. Curbs and gutters where required shall be concrete of the standard high-back type unit, not less than two feet six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.

L. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the Town Engineer.

M. All curb corners shall have a radius of not less than twenty-four feet and at intersections involving collector or major streets of not less than twenty-five feet.

N. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

O. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission. New streets must connect with existing public streets.

Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All street names shall be approved by the Rich County Clerk/Recorder. The subdivider shall obtain approval of all street names within the proposed subdivision from the Commission before submitting same to Council for preliminary plat approval,

P. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80°) degrees.

Q. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees.

R. Where any street deflects an angle of ten (10) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for minor streets.

S. Streets with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited.

T. Fire hydrants shall be installed in all subdivisions in accordance with the regulations adopted by the Garden City Fire District.

U. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. Where a lot runs along a side lot line the lot is required to incorporate the required easements are recorded with the Rich County Recorder. The subdivider shall work with irrigation, drainage or ditch companies as to:

1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision.
2. The size of pipes and culverts shall be set by the respective Canal or Irrigation Company.

V. Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of Garden City shall be provided by the developer at all street intersections. Installation shall be made in accordance with adopted standards to insure uniformity.

W. Street lighting may be required by the Commission or Council where appropriate, and shall be installed by the subdivider as a required improvement.

X. Private streets may be allowed upon recommendation by the Commission and approval by the Council. Private streets shall be constructed to meet the design standards of public streets as specified in this Ordinance and other applicable standards.

Y. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat and all landscaping and irrigation systems shall be installed as required improvements by the subdivider.

Z. Street alignment design shall follow natural terrain contours to result in safe streets, useable lots, and minimum cuts and fills. All cuts and fills shall be revegetated.

AA. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets.

BB. In general, the center line of a street shall coincide with the center line of the street right-of-way and all crosswalk markings shall be installed by the subdivider as a required improvement.

CC. Bridges. Whenever a proposed subdivision requires construction of a new bridge,

or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefore.

11E – 515 Alley Improvement Requirements. Alleys shall be provided in business, commercial and industrial zoning districts. The width of an alley shall be not less than twenty-six (26) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in this section.

A. Required Easements. Easements, as set forth hereinafter, shall be required for location of the utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.

1. A public utility easement at least ten (10) feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet in width shall be required within any property boundary as determined by the Town engineer to be necessary for the provision of adequate public utilities.
2. Where a subdivision contains or borders on a water course, drainage way, channel or stream, an easement shall be required of sufficient width to contain said water course and provide access for private maintenance and/or reconstruction of said water course.
3. All subdivisions which border a watercourse shall dedicate a ten (10) foot scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion.
4. No ditch, pipe, or structure for irrigation water or irrigation waste water shall be constructed, re-routed, or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights thereto. A written copy of such approval shall be filed as part of required improvement construction plans.
5. Public non-vehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements may be required and if required, shall be dedicated to include public use and access.
6. No subdivision shall eliminate any historic public access to public lands that is still in current use. A ten (10) foot easement shall be provided to allow the public to access such public lands. The Council may approve a relocation of the historic access point provided that the relocated access does not significantly impair public access.

11E – 516 Planting Strip Improvements. Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or

features such as highways, commercial or industrial districts or off-street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for said planting strip with the preliminary plat application and the landscaping shall be a required improvement.

11E – 517 Cuts, Fills, and Grading Improvements

Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

A. A preliminary soil report prepared by a qualified engineer may be required by the Commission and/or Council as part of the preliminary plat application.

B. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Said plan shall contain the following information:

1. Proposed contours at a maximum of five (5) foot contour intervals;
2. Cut and fill banks for building pad elevations;
3. Drainage patterns;
4. Areas where trees and/or natural vegetation will be preserved;
5. Location of all street and utility improvements including driveways to building envelopes. Any other information which may reasonably be required by the Commission, or Council to adequately review the affect of the proposed improvements.

C. Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.

D. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology may be allocated for open space for the benefit of future property owners within the subdivision.

E. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for re-vegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as said re-vegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.

F. Where cuts, fills, or other excavation are necessary, the following development standards shall apply:

1. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
2. Fills shall be compacted to at least ninety-five (95) percent of maximum density as determined by AASHO T99 (Am. Assoc. State Highway Officials) and ASTM D698 (Am. Stnd. Testing Methods).
3. Cut slopes shall be no steeper than two horizontal feet to one vertical foot. Subsurface drainage shall be provided as necessary for stability.

4. Fill slopes shall be no steeper than two horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet horizontally of the top and existing or planned cut slope.
5. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet plus one-fifth of the height of the cut or the fill, but may not exceed a horizontal distance of ten (10) feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet plus one-fifth of the height of the cut or the fill. Cuts and slopes shall be re-vegetated as provided in Section N (5). Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

11E – 518 Drainage Improvements. For all subdivisions the subdivider shall submit with the preliminary plat application, such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the Town on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all major subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways, or improved public easements and shall extend across and under the entire improved width thereof including shoulders.

A. Culverts to be a minimum of 12” in diameter-with a crush resistance as defined by AASHTO T99 Standards.
B. Natural drainage channels should be used when available.
C. Catchment basins to be designed to contain runoff during a one (1) 25 year storm event.
D. All runoff to be contained on site.
E. Measures should be taken to prevent storm water from entering irrigation canals.
F. Easements shall be provided along drainages adequate to contain that watercourse and any further width necessary for maintenance of reconstruction.

11E – 519 Off-Site Improvements. Where the off-site impact of a proposed subdivision is found by the Commission or Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities. Such off-site improvements must be roughly proportional to the impacts of the proposed subdivision and must have a rational nexus to the impacts of the proposed subdivision.

11E – 520 Landscaping Improvements

A. Substantial landscaping is to be provided, which is in scale with the development and which provides relief from and screening of hard surfaces. Total building surface area and street frontage will be considered when determining whether

substantial landscape is being provided ("landscaping" shall be defined as trees, shrubs, planters, hanging plants, ground cover and other living vegetation),

B. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and compliment the neighborhood and townscape. Consideration should be given to the use of native, drought resistant plant materials and the use of designed xeriscapes shall be encouraged,

C. The preservation of existing significant trees, shrubs and important landscape features shall be encouraged, and

D. Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets, and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.

11E – 521 Fire Protection

Fire protection facilities, hydrants or other appurtenances shall be included in the development plan and delineated thereon, adequate provision for access by firefighting personnel and equipment to and from all such fire protection facilities, including, but not limited to hydrants and appurtenances. Such access shall be approved by the fire chief and the owner may be required to dedicate to the Town as a condition of approval of the development plan, an easement sufficient for access by firefighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by fire-fighting personnel and equipment at all times.

A. On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of this ordinance.

B. Fire hydrants shall comply with NFPA Standards and be a two (2) butt hydrant, minimum of 6” piping,

C. Water mains shall be a minimum 8”,

D. Fire hydrant spacing: No dwelling more than 400’ from a hydrant. Hydrants shall have equal spacing of 700’.

E. On site storage capacity and fire flow shall be designed according to the Utah Department of Environmental Quality specifications.

F. The subdivider shall encourage xeriscaping and/or firewise landscaping in conditions covenants and restrictions when development is within close proximity of the wildland urban interface.

11E – 522 Emergency Services

A. All direction and location signs to be constructed of non-flammable material.

B. Lettering and numbering of location and direction signs to be of sufficient size to be easily read from 75’ and constructed of light reflecting material.

C. Signs shall be located in the dedicated Town right-of-way or in the case of private roads, signs shall be placed 15 feet from travel surface.

11E – 523 Vacations and Dedications:

A. **Application -** Any property owner desiring to vacate an existing public street, alley or easement right-of-way, or desiring to dedicate a street or alley right-of-way shall file an application with the Town Clerk. Upon receipt of the completed application and other information reasonably required by the Clerk, the date of acceptance of the application shall be affixed thereon. Thereafter, said application shall be placed upon the Commission agenda for consideration at a regular meeting of the Commission, and the procedures followed for such vacations shall comply with Utah Code including subsequent amendment or codification.

B. **Commission Action -** The Commission shall consider the application and testimony of the applicant, and such other information as may come before it with regard to the proposed vacation or dedication. The Commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan, and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting said application. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the Commission.

C. **Council Action -** In considering an application for vacation of an existing street, alley or easement right-of-way, the Council shall establish a date for public hearing and give such notice as required by law. The Council shall hear and consider the public testimony, applicant testimony, recommendations of the Commission, and any other information as may be brought before the Council. Whenever the Council vacates an existing public street, the Town shall provide adjacent property owners with a quitclaim deed for the said vacated street as prescribed by law. Said vacation shall become effective upon delivery of said deed(s). When considering an application for dedication to the public of a street, alley or easement right-of-way, the Council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the Council shall accept same by resolution or by approval of a final subdivision plat.

D. The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of non-vehicular easements to the Town.

<u>11E – 524 Condominiums</u>

A. **Purpose -** The purpose of this section is to set forth special provisions for property created or converted pursuant to Utah Code, as amended, revised, or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, welfare of purchasers and residents of such condominiums.

B. **Preliminary Plat Procedure** The sub-divider of the condominium project shall submit with the preliminary plat application a copy of the proposed by-laws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all open areas, recreational facilities, and common areas.

C. **Final Plat Procedure -** The final plat procedure contained herein shall be followed. However, the final plat shall not be signed by the Mayor and recorded until the condominium has received:

1. An approved life safety inspection of the building shell blue print and all open areas from the Garden City Building Official; and
2. Prior to final plat approval, the sub-divider shall submit to the Town a copy of the final by-laws and condominium declarations, which shall be approved by the Council and filed with the Rich County Recorder, including the instrument number(s) under which each document was recorded.

D. **Garage -** All garages shall be designated on the preliminary and final plat and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.

E. **Storage Areas -** Adequate storage areas shall be provided for boats, campers, and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.

F. **Maintenance Building -** A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

G. **Open Space -** The subdivider shall dedicate open space of such shape and area useable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access._A plan must be provided that ensures the continued and perpetual maintenance of open space.

H. **General Applicability -** All other provisions of this ordinance and all applicable ordinances, rules and regulations of the Town and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.

11E -525 Townhouses

A. **Purpose -** The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, said provisions found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such townhouse developments.

B. **Townhouse Owners' Documents -** The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the Town a final copy of said documents and shall file said documents prior to recordation of the plat, which shall reflect the recording instrument numbers thereupon.

C. **Preliminary Plat Procedure -** The subdivider may apply for preliminary plat approval from the Commission pursuant to the procedures herein. The Commission may recommend, not recommend or conditionally recommend said preliminary plat. The preliminary plat, other data, and the Commission's findings

shall then be transmitted to the Council. The Council shall act on the preliminary plat pursuant to the procedures herein.

D. **Final Plat Procedure -** The final plat procedure contained herein shall be followed. However, the final plat shall not be signed by the Mayor and recorded until the townhouse has received an approved life safety inspection of the building shell blue print and all common areas from the Garden City Building Official.

E. **Garage -** All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

F. **General Applicability -** All other provisions of this ordinance and all applicable ordinances, rules and regulations of the Town and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions.

<u>11E -526 Special Improvement Provisions</u> Parks, School Sites and Other Public Places. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency.

Design standards. The design of the preliminary and final plats of subdivisions for lots, condominiums and townhouses in relation to streets, blocks, lots, common areas and open spaces and other design factors shall be in harmony with the intent of Zoning Ordinances, elements of the General Plan that have been adopted, and design standards recommended by the Planning Commission. Streets shall be so designated as to take advantage of open space vistas and to create drives with a rural or open space character.

A. **Provisions for Common Open Space.** The subdivider of a subdivision shall submit plans of landscaping and improvements for the common open space which will consist of at least ten (10%) percent of the total development. Of that ten (10% percent, one half (1/2) or fifty (50%) will be suitable for active open space. The Developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired character, including plans for disposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners. An open space usage management plan shall be provided for approval of the Commission.

B. Provisions for Common Open Space. The subdivider of a subdivision shall submit plans of landscaping and improvements for the common open space which will consist of at least ten (10 %) percent of the total development.

C. Guarantee of Common Areas and Open Space Improvements. As assurance of completion of common areas and open space improvements, the subdivider may

be required to file with the Town Recorder a cash bond or performance bond, guaranteeing such completion, in a manner satisfactory to the Planning Commission within two (2) years of such filing. Upon completion of the improvements for which a cash bond or performance bond has been filed, the subdivider shall call for inspection by the Planning Commission, such inspection to be made within fourteen (14) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the cash bond or performance bond therefore shall be released. If the cash bond or performance bond is not released, refusal to release and reasons therefore shall be given the subdivider in writing.

D. Maintenance of Common Areas and Open Space, etc. Assurance of maintenance of the common areas and open space and other improvements where so required, the subdivider shall cause to be formed prior to the recording of the final plat, a Lot Owners Association, and shall establish articles of incorporation of the Association, bylaws and covenants outlining the purpose, organization and operation of the Association. Such articles of incorporation and covenants shall, among other things, provide:

1. That membership shall be mandatory for each lot purchases and any successive buyer;
2. That Common Areas and Open Space restrictions must be permanent, not just for a period of years;
3. That the Association must be responsible for liability insurance local taxes, and the maintenance of recreational and other facilities;
4. That lot owners must pay their pro rata share of the costs;
5. That the assessment levied by the Association can become a lien on the property.
6. That the Association must be able to adjust the assessment to meet changed needs.
7. In the event that the Lot Owners Association does not maintain the common areas or open space and improvements as proposed and indicated at the time of subdivision, the Town may, at its option, do or contract to have done the required maintenance and recover the costs incident hereto by means of a lien against the involved properties of the members of the Lot Owners Association.

E. The required amount of open space land reserved shall either be granted through easement to the owners of the project area for the use of each owner who buys property within the development or dedicated to the public and retained as open space for parks, recreation, and related uses. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Council. The developer, before approval of the final plat, shall specify the responsibility for the maintenance of all open spaces.

F. Building Height - No building or structure shall exceed the height the zone allows.

(This ordinance was updated April 11, 2018)

11E – 527 Impact Statements

A. **Impact Statement Required -** The subdivider proposing a subdivision of more than two (2) lots or condominium units, or a planned unit development will be required by the Commission or Council to prepare an impact statement prior to approval of a final plat. The statement shall discuss the potential effects of the proposed development upon the Town in terms of impact upon economics, public facilities, or environment as set forth herein.

B. **Requirements -** The impact statement may be a simple statement and shall include a study of the potential impact upon:

1. Sewer facilities,
2. Domestic water facilities,
3. Fire protection, including fire protection water supply,
4. Police protection,
5. Emergency Services,
6. Utilities,
7. Schools,
8. Roads and traffic,
9. Other public facilities,
10. Noise, water, and air pollution,
11. Environmental impact, including impact upon vegetation, wildlife, and wildlife habitat, ground and surface water, and soil erosion,
12. Public transportation,
13. Public easements, created or threatened, and recreational availability,
14. Avalanche hazard and flood hazard,
15. Drainage,
16. Grading of slopes,
17. Adjacent properties and the neighborhoods,
18. Snow removal areas and services,
19. Designating and defining impact upon areas of historical significance,
20. Effects upon agriculture.

C. **Additional Requirements.**

The Commission or Council may reasonably require the impact statement to be extended to include other factors and criteria not listed above due to unusual characteristics of the land or character of the proposed development or improvements thereon. Furthermore, the subdivider may be required to provide additional information and studies with regard to any of the factors or criteria required in the impact statement.

11E – 528 Vacating or changing a subdivision plat. The Town Council may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat.

A. If a petition is filed, the Planning Commission shall hold the public hearing within forty-five (45) days after receipt of petition if:

1. The plat change includes the vacation or amendment of a public street or alley;
2. Any owner within the plat notifies the municipality of their objection in writing within ten (10) days of mailed notification; or
3. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.

B. The Planning Commission shall forward their recommendation to the Town Council within thirty (30) days after the proposed vacation, alteration, or amendment is referred to it.

C. Before the Town Council may consider a proposed vacation, alteration, or amendment under subsection (A)(1) or (F) of this section, the responsible officer shall refer the proposal to the Planning Commission for its recommendation.

D. The Town Council, by motion, may approve any request to vacate, alter, or amendment a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat if all conditions of the ordinances are met. If the conditions of these ordinances are not met the Town Council, by motion, shall deny such request.

E. Any owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the Town Council to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

F. Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
1. The name and address of all owners of record of the land contained in the entire plat;
2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
3. The signature of each of these owners who consents to the petition.

G. A petition that lacks the consent of all owners referred to in subsection D of this section may not be scheduled for consideration at a public hearing before the Planning Commission until the notice required by State Code is given.
1. The petitioner shall pay the cost of the notice.

H. Subject to **subsection B** of this section, if the Town Council proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by State Code.

I. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to subsection (G)(2) of this section.
1. The surveyor making the amended plat shall certify it.
2. An owner of land may not submit for recording an amended plat

that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.

11E-529 Grounds for vacating or changing a plat.

A. Within thirty (30) days after the public hearing required by this part, the Town Council shall consider the petition.
   1. If the Town Council is satisfied that the public will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the county commission may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.
   2. The Town Council may approve the vacation, alteration, or amendment by signing the amended plat or making a motion indicating approval.
   3. The Town Recorder shall ensure that the vacation, alteration, or amendment is recorded in the office of the Rich County Recorder.
   4. An aggrieved party may appeal the decision to the Board of Appeals.

11E - 530 Waivers and Appeal See CHAPTER 11B-400 Board of Appeals.

11E – 531 Fees. The subdivider shall pay to the Town by depositing $3,000 with the Town Clerk for certain fees and costs. There shall also be a preliminary plat application fee, and a final plat application fee. At the time of submission of an application for a plat, the applicant shall pay a processing fee in accordance with the fee schedule established by the Council. The Council shall establish the amount of the plat fee and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the Town in processing the application. If such cost reimbursement exceed the initial $3,000 deposited the Town Clerk will notify the applicant of expenditures and request additional funds to be placed on deposit. All funds remain in the deposit account will be returned to the applicant. All outstanding fees and cost must be paid before a plat application will be approved. Fees shall be set by resolution by the Council.

11E – 532 Time Periods for Approval

A. The Planning Commission shall each have sixty (60) days to examine and consider all applications made pursuant to this ordinance and to make its recommendations with regard thereto. Said sixty (60) day period shall commence upon the first meeting at which said Commission considers such an application. If no recommendation is made within said period, the application shall be placed upon the appropriate agenda without recommendation.
B. The Council shall have sixty (60) days to examine and consider all applications made pursuant to this ordinance and make its finding(s) and/or decision(s) with regard thereto.
C. The time periods set forth above may be extended for a reasonable period of time by the Planning Commission or Council upon a finding, that due to the

complexity of an application, or changes made in an application during the review process, additional time to examine or consider same is reasonably required.

11E – 533 Enforcement, Violations and Penalties

A. **Enforcement -** It shall be the duty of the Town Building Official to investigate compliance with these regulations and to bring to the attention of the Council and the City attorney any violations of this ordinance.

B. **Violations and Penalties -** Any person, firm, association, or corporation that fails to comply with or violates any of these regulations shall be subject to a fine not more than three hundred dollars ($300.00), and/or imprisonment for a period not exceeding six months, or both. Each day that said violation continues shall be considered a separate offense.

C. **Civil Enforcement -** Appropriate actions and proceedings at law or in equity may be instituted by the Town attorney to prevent or rectify illegal subdivisions, to recover damages, to restrain, correct, or abate any violation, or to prevent illegal occupancy of a building, structure or premises. These remedies shall be accumulative and in addition to the penalties described herein above.

D. **Conditions -** Regulation of the subdivision of land and the attachment of reasonable conditions thereto are a proper exercise of valid police power granted to the Town by the Utah Constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the Council and Commission for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economic development of the Town and the safety and general welfare of future plat owners in said subdivision and the public at large.

E. No owner, or agent of the owner, shall transfer, sell, encumber by mortgage or deed of trust an unsubdivided parcel of real property before a final plat thereof has been approved by the Council and filed with the office of the Rich County recorder as required by law.

F. The subdivision of any lot or of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, encumbrance by mortgage or deed of trust, or lease shall not be permitted, without the filing of a final plat as herein required. All such divisions of land shall not be recognized by the Town or shall building permits be issued for any improvements thereon until such subdivisions have received final plat approval and met all requirements of this Ordinance.

(Approved April 10, 2008)

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CHAPTER 11F-100 PLANNED UNIT DEVELOPMENT - PUD/PLANNED RESIDENTIAL DEVELOPMENT - PRUD

11F-101 Intent In order to encourage and enable mixed-use developments, applicants may apply for a site to be designated as a Planned Unit Development or a Planned Residential Unit Development.

A. A Planned Unit development (PUD) is a development of a discrete tract of land for mixed uses which provides for residential living, commercial ventures, accentuating useable open space, recreational uses and public easements.

B. A Planned Residential Unit development (PRUD) is a development of a discrete tract of land which provides for residential living, accentuating useable open space, recreational uses and public easements.

PUD's and PRUD's must be re-zoned to the PUD Zone and meet the requirement set forth therein.

All PUD's and PRUD's must be in conformance with and promote the purposes and goals of the General Plan and other applicable ordinances of the Town and not be in conflict with the public interest.

In addition to the requirements herein set forth in this ordinance, a proposed PUD or PRUD shall comply with the Garden City Subdivision Ordinance. (See Chapter 11E)

Before any changes are made i.e. Commercial development, lot split, or lot line adjustment, all property needs to conform to city ordinances.

11F- 102 PUD/PRUD Development Plan Requirements. Any developer wishing to develop a planned unit development over a series of years shall comply with the additional requirements and regulations set forth in this section. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner and shall comply with all applicable zoning regulations

A. Requirements
   1. Clearly define the area(s) which will be included in each phase.
   2. **The aggregate area of all buildings proposed shall not exceed thirty percent (30%) of the entire lot area of the development.**
   3. Any use listed as a permitted or conditional use in the Garden City land use ordinances may be approved in any Planned Unit Development Zone if such use by location, characteristic or design is deemed compatible with the character of the area in which the development is proposed and is consistent with the policies and goals set forth in the Town's General Plan.
   4. The concessions and retail services shall be located and designed to be consistent with the character of the development, having the same outside appearance as the other structures in the development.
   5. Around the boundaries of the development, building height, architecture and coverage shall be arranged to enhance the viability and attractiveness

of adjacent land uses. The height requirements shall not exceed 35' except in the Beach Development Zone where the height shall not exceed 25'. The yard and height requirements of the adjacent zone shall be required on the immediate periphery, and throughout the entire development.

6. Commercial uses shall be restricted to those structures approved for commercial use in the development plan.
7. All setback, yard, and area requirements shall be determined by the Planning Commission.
8. Where a PUD or PRUD adjoins any lot in any zone, there may be required along such property lines a fence and/or planting strip as determined by the Planning Commission.
9. If developer is phasing within the development, (Look at definition 11A-200 Stand Along (Phasing), each phase shall stand alone.

<u>11F-103 Special Review Procedure for PUD/PRUD Development Plan</u>

A. The application to the Planning Commission shall consist of a development plan showing sketches demonstrating the design and character of the proposed development.

B. The development plan and large block plat shall contain the following:
   1. The scale, north point and date;
   2. The name of the proposed development, which shall not be the same or confusing with the name of any subdivision or planned unit development in the Town of Garden City;
   3. The approximate location of existing buildings, water bodies and courses, adjacent streets, alleys, and easements, public and private;
   4. The location of existing and proposed street right-of-ways, proposed lots and lot lines;
   5. The location, size, and proposed use of all land;
   6. The location, size, and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed development;
   7. A landscaping plan showing the proposed landscaping of the project;
   8. Exterior boundary lines of the property;
   9. Estimate of the percentage of passive open space and active open space;
   10. The developer shall show the proposed height as stipulated in 11A-200 – Height.

C. The application form shall contain the following information and exhibits:
   1. The name, address, mailing address and telephone number of contact person;
   2. Legal description of the area;
   3. Proposed development schedule for construction and/or phasing.

D. Conceptual Plan Conference - Prior to filing an application, the applicant may confer with the Town Clerk, Planning Commission, and Town Council to allow the applicant and the Town to informally review the proposal. The conceptual plan conference shall not confer any vested rights upon the developer. The topics of discussion may include, but not be limited to:

1. Characteristics of the site and surrounding area; significant natural and man-made features; natural hazards, resource, or other special considerations of the site, services and accessibility of the site; surrounding development and land use; and existing zoning.
2. The nature of the development proposed, including proposed land use, coverages and densities; the placement of proposed buildings and other improvements; the location, type and method of maintenance of common open space or treatment of public use areas; the preservation of natural features; proposed parking areas and internal circulation system, including easements; types of water and sewage treatment systems proposed.
3. Community policy considerations including the review process and likely conformity of the proposed development with the policies and regulations of applicable ordinances.
4. Applicable regulations, review procedures, and submission requirements.
5. No public hearing or conditional use property owner notification shall be required for the conceptual review.

<u>11F -104 Planning and Zoning Commission Action</u> Upon receipt of a complete PUD/PRUD application the Clerk shall place said application on the agenda of the Planning Commission for consideration. The application shall be reviewed and recommendations made by the Commission to the Council with regard to said application within thirty (30) days from date of the application review unless the Commission makes a finding that due to the complexity of the project, or changes in the proposed project, or the need for additional information, adequate review of the project is not possible and additional review time is necessary, the length of the extension shall be determined by the Commission based upon relevant factors and evidence before the Commission.

The Commission shall make recommended findings together with recommendations, including, but not limited to, recommendation with appropriate conditions or non-recommendation of the application. Thereafter, the permit application together with the record and recommendations of the Commission shall be forwarded to the Council for final action.

<u>11F – 105 Council Actions</u>

A. Upon receiving the recommendations of the Commission, the PUD/PRUD application shall be placed upon the agenda of a regular Town Council meeting. The Council shall review the entire record before the Commission together with their findings and recommendations. The Council may approve the application and development plan with appropriate conditions, or deny said application within thirty (30) days from the date of the Council meeting at which the Commission's recommendations are received, unless the Council makes a finding that due to the complexity of the project, or changes in the proposed project, or the need for additional information adequate review of the project is not possible and

additional review time is necessary. The length of the extension shall be determined by the Council based upon relevant factors and evidence before the Council.

B. If the Council finds a substantial error in the information presented to the Commission or new information is presented which may make a material difference in the recommendation made by the Commission, the Council may remand the application to the Commission for further review and recommendations.

11F – 106 Changes in Development Plan

This has been deleted. (Feb. 11, 2010)

11F – 107 Development Plan Approvals After approval of a PUD/PRUD, the applicant shall file a preliminary plat and final plat for each stage of the development in conformance with the approved PUD/PRUD development plan and pursuant to the subdivision and other applicable ordinances.

A. Time Limitations.

1. Upon receiving a PUD/PRUD approval, an applicant shall have one year from the date of issuance thereof to submit an application for the first phase of the project. Failure to file the appropriate application within said one-year period shall cause the PUD/PRUD approval to be null and void.
2. For good cause shown by the applicant in writing filed with the Clerk prior to the expiration of said one year period, the Council may grant an extension of the time limitations set forth in subsection A of this section or may grant an extension of the time limits imposed by the development schedule.

(This ordinance was updated January 8, 2015)

11F-108 Building Permits. No Housing Building Permits will be issued until all roads, egress and ingress, street signs, utilities and any amenities required by the Planning Commission or the Town Council are complete and signed off by the Public Works Dept., Sewer Dist., and Town Engineer.

(Approved November 11, 2010)

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CHAPTER 11G – REDEVELOPMENT AGENCY

CHAPTER 11G –100 Creation of Redevelopment Agency

11G-101 Purpose The purpose of this ordinance is to establish a redevelopment agency and to designate the legislative body of the Town of Garden City as the governing body of the Agency.

This is pursuant to the provisions of the Utah Neighborhood Development Act, specifically Section 17A-2-1203 of said Act.

11G-102 Need The Town of Garden City, Utah finds that in order to preserve and further promote the continued peace, health, safety, welfare and good order of this Town, that it is necessary to create and designate the legislative body of this City as the Redevelopment Agency.

11G-103 Designation of Redevelopment Agency The Town Council of Garden City hereby establishes a Redevelopment Agency and designates itself as the governing body of said Agency, complete with all powers and duties, and subject to all restrictions provided in said "Utah Neighborhood Development Act", of the Utah Code Annotated, 1953 as amended.

CHAPTER 11G-200 Rules Governing Opportunities For Owner Participation Within The Bear Lake Boulevard Redevelopment Project Area.

11G-202 General

A. Purpose. These rules are promulgated by the Garden City Redevelopment Agency (hereinafter the "Agency") to provide for reasonable participation in the redevelopment of property in the Bear Lake Boulevard Redevelopment Project Area (hereinafter the "Project Area") by owners, operators of businesses, tenants, and other persons and entities holding interests in property within the Project Area, and to set forth the procedures governing such participation and preferences.

B. Participants. Persons or entities holding interests in property within the Project Area shall have a reasonable opportunity to become "participants" in the Plan, in contrast to "developers", whose interests in the Project Area are acquired solely from the Agency without having held other interests in the Project Area.

C. Priorities and Preferences. The Agency shall extend priorities to persons or entities holding interests in property in the Project Area, to have the opportunity to continue in, or, if the Agency acquires the land of the owner or the land with which the person or entity's interest is associated, to re-enter the Project Area if such persons or entities otherwise meet the requirements for participation in the Redevelopment Project prescribed in the Garden City Redevelopment Plan and in these Rules. Priorities are opportunities conferred on participants to be given reasonable priority over developers with respect to any aspect of the redevelopment of the Project Area under the Redevelopment Plan.

11G-202 Types of Participation Available

A. General. The Agency may permit owners and tenants within the Project Area to be given the opportunity to participate in the redevelopment of the Project Area by:

1. Owners retaining, maintaining, and if necessary rehabilitating all or portions of their properties;

2. Owners acquiring adjacent or other properties in the Project Area;

3. Owners selling all or portions of their properties to the Agency and obtaining preferences to re-enter the Project Area:

4. Owners selling all or portions of their properties to the Agency and purchasing other properties in the project Area;

5. Owners selling all or portions of their properties to the Agency and obtaining preferences to re-enter the Project Area;

6. Tenants having opportunities to become owners of property in the Project Area, subject to the opportunities of owners or property in the Project Area; and

7. Other methods approved by the Agency.

B. Remaining in Substantially the Same Location. Participation may consist of persons or entities with property interests in the Project Area remaining in substantially the same location either by retaining all or portions of the property, or by purchasing all or portions of the property and purchasing adjacent property from the Agency. Persons or entities which participate in the same location may be required to rehabilitate or demolish all or part of their existing buildings or the Agency may acquire improvements only, then remove or demolish the improvements, and permit the participants to develop the land.

C. Exchanges. Participation may consist of the Agency buying land and improvements from existing owners, and offering other parcels for purchase by such participants.

D. Preferences. Participation may consist of obtaining participants' preferences to re-enter the Project Area.

E. Other Forms of Participation. The Agency may allow such other forms of participation by persons or entities holding interest in property within the Project Area as are necessary and appropriate to advance the purposes of the Redevelopment Plan and are consonant with Utah Law.

<u>11G-203 Priorities and Preferences</u>

A. Priorities and Preferences. The Agency may extend reasonable preferences to persons or entities holding interest within the Project Area to participate in the

Redevelopment Project, subject to the requirements prescribed in the Redevelopment Plan and these Rules. The Agency may structure priorities and preferences in any manner it deems necessary to further the ends of the Redevelopment Plan and which are consonant with its obligation to extend reasonable priorities and preferences to participate.

B. Participants and Developers. In view of the priorities and preferences, the Agency is obligated to extend to participants over developers, participants may have first claim to opportunities to participate in any and all phases of the Redevelopment Project, and may be given priority over developers unless the Agency determines that the interested participants are not capable or qualified to undertake the aspect of the Redevelopment Project in question. If no participants are interested in undertaking a particular aspect of the Redevelopment Project, the Agency is free to allow developers to take advantage of the opportunity.

C. Factors Limiting Participation Opportunities in General. Participation in the redevelopment of the Project Area by as many owners, tenants, and other interest holders as possible is desired. However, participation opportunities shall necessarily be subject to, and limited by, such factors as the following:

1. Removal, relocation, and/or installation of public utilities and public facilities.

2. The elimination and changing of some land uses.

3. The realignment, abandonment, widening, or opening of public streets and rights-of-way.

4. The ability of participants to finance acquisition and development in accordance with the Redevelopment Plan.

5. Reduction in the total number of individual parcels in the Project Area.

6. The assembly and development of areas for public and/or private development in accordance with the Redevelopment Plan.

7. Change in orientation and character of the Project Area.

D. Factors Affecting Priorities and Preferences of Participants. If conflicts develop among participants desiring to participate in the Redevelopment Plan with respect to particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the parties and to determine a solution by consideration of such factors as:

1. Length of time in the area.

2. Accommodation of as many participants as possible.

3. "Ability to Perform".

4. Similar land use to similar land uses.

5. Conformity with intent and purposes of the Redevelopment Plan.

6. Any other factors the Agency deems relevant in the particular circumstances.

E. Participation by Joint Entities. To the extent feasible opportunities to participate may be exercised by entities formed by two or more persons, or entities which join together in partnerships, corporations, or other joint entities for the purpose of participating in the Redevelopment Project. So long as one of the persons or entities joining in the joint entity is a participant, the joint entity may be treated as a participant.

11G-204 Participation Procedure

A. Participation Agreements. The Agency is authorized to enter into participation agreements with all participants in the Redevelopment Project. Such agreements may relate to properties not purchased or not to be purchased by the Agency. Each agreement will contain provisions necessary to insure that the participation proposal will be carried out, and that the subject property will be developed or used in accordance with the conditions, restrictions, rules, and regulations of the Redevelopment Plan and the agreement. Each agreement will require the participant to join in the recordation of such documents as the Agency may require in order to insure such development and use. Participation agreements will be effective only if approved by the Agency.

B. Statements of Interest. Before making offers to purchase property in the Project Area, the Agency may notify the persons or entities holding interest in any such properties by certified mail, return receipt requested, that the Agency is considering the acquisition of such property.

The Agency shall include a form entitled "Statement of Interest in Participating" with the notification. Within 30 days of receipt of such notification, any owner interested in participating in the Redevelopment Project shall file a "Statement of Interest in Participating" with the Secretary of the Agency. Any person or entity holding an interest in property within the Project Area may also submit such a statement at any time before such notification. The notice letter shall inform the party to whom it is directed that failure to file a written Statement of Interest will result in waiver of the party's opportunity to participate on a priority or preferred basis in the Redevelopment Project. The Agency may disregard any Statements of Interest received after the expiration of the 30-day period.

The Agency shall consider such Statements as are submitted on time and seek to develop reasonable participation for those submitting such Statements whether to stay in place, to move to another location, to obtain priorities and preferences to re-enter the Project Area, etc.

11G-205 Enforcement

A. In the event property is not developed, maintained, rehabilitated, or used in conformance with the Redevelopment Plan or a Participation Agreement, the Agency is authorized to (1) purchase the property, (2) purchase any interest in the property sufficient to obtain conformance, or (3) take any other appropriate action sufficient to obtain such conformance.

11G-206 Amendments of Owner Participation Rules

A. The Agency may amend these rules at any meeting two weeks after publication of one notice in a newspaper of general circulation in the Town of Garden City at least seven days after written notice has been given to all members of the Agency's Governing Board. The effective date of any amendment shall be the date on which it is approved by the Agency or on such other date as the Agency may specify in approving the Amendment.

11G-300 THE OFFICIAL REDEVELOPMENT PLAN FOR THE BEAR LAKE BOULEVARD REDEVELOPMENT PROJECT AREA DESCRIBING THE PURPOSES AND INTENT OF THE COUNCIL WITH RESPECT TO THE DEVELOPMENT OF THE PROJECT AREA.

11G-301 Redevelopment Plan For Bear Lake Blvd Redevelopment Project Area.

A. The Council finds and determines that the Garden City Redevelopment Agency prepared and adopted a Redevelopment Plan for the development of the Bear Lake Boulevard Redevelopment Project Area which was submitted to the Garden City Council on the 8th day of August 1991.

B. The Council further finds that the Redevelopment Plan was submitted to the Garden City Planning Commission which recommended the approval of the plan.

C. The Council further finds that it held a public hearing on the plan at its regular council meeting on the 8th day of August 1991, and that notice of the filing of the Redevelopment Plan and the public hearing thereon had been given as provided by law. The Council further finds that at said hearing the council considered the report of the Redevelopment Agency together with the rules governing participation, and all testimony for and against the adoption of the plan.

11G Redevelopment Plan Adopted.

A. The Redevelopment Plan together with the report and rules governing participation, submitted by the Redevelopment Agency on the 8th day of August 1991 are hereby approved and adopted as the official Redevelopment Plan of the project area, more particularly described as follows:

B. Beginning at the southeast corner of 150 South Street and US 89, thence east along the south side of 150 South to the southeast corner of Block 5 Plat B Garden City Survey; thence north along the east property line of Parcels 41-21-40-058, 41-21-40-059, and 41-21-40-072 to the northeast corner of said parcel 41-21-40-072, thence west along the north property line of parcels 41-21-40-072 and 41-21-40-074 to the east side of US 89; thence north along US 89 to the southeast corner of US 89 and 75 North Street; thence east along 75 North Street to the end of the dedicated right-of-way; thence south along said 75 North Street to the north side of 75 North Street thence west along the north side of 75 North Street to US 89; thence north along US 89 600 feet more or less to the southeast corner of 200 North Street; thence east along 200 North Street to the end of the dedicated right-of-way; thence south to the north side of 200 North Street; thence west along the north side of 200 North to US 89; thence north along US 89 to the northern city limits of Garden City, Utah; thence west along the northern boundary of Garden City 420 feet more or less; thence south 2650 feet more or less to the southwest corner of Lot 2 of Section 17, T14N; R.5E, SLB&M, excluding there from the 9.9 acres known as Raspberry Estates Unit 1, and the 1.51 acres known as the common area for phase 2. Thence east 1325 feet more or less to the west side of US 89, thence south along US 89 to the northwest corner of 200 North and US 89, thence west along 200 North to the northwest corner of 100 West Street thence south along the westerly side of 100 West to the southwest corner of 100 West and Logan Road, description containing all property parcels located in Block 1 and Block 2, Plat B, Garden City Survey; including the street known as 75 North, thence east along Logan Road to US 89, thence south 99 feet more or less to the northwest corner of 50 South Street; thence west along the north side of 50 South to the end of the dedicated right-of-way, thence south across said 50 South to the south side of 50 South, thence east along the south side of 50 South to US 89; thence south along the west side of US 89 to the northeast corner of US 89 and 150 South Street, thence west along the north side of 150 South Street to the end of the dedicated right-of-way, thence south across the end of the right-of-way to the south side of 150 South thence east along 150 South to the point of beginning.

Containing therein 98.3 acres of private property.

C. The purpose and intent of the Garden City Council with respect to the project area is hereby determined to be the carrying out of the Redevelopment Plan hereby adopted so as to remove the blighted condition of the project area and to otherwise fully promote the public peace, health, safety, and welfare of the community in general and the project area in particular.

D. The Redevelopment Plan is hereby made a part of the ordinance by reference, and copies thereof are available for public inspection and use in the office of the Garden City Recorder.

E. The Council hereby finds and determines upon the facts known to it and upon the facts and testimony submitted to it at the public hearing.

1. The project area is blighted area, the redevelopment of which is necessary to effectuate the public purposes of the Utah Neighborhood Development Act, as set forth in the Utah Code Annotated, Section 17B-4, et seq.

2. The Redevelopment Plan would redevelop the area in conformity with the Utah Neighborhood Development Act and in the interest of the public peace, health, safety and welfare.

3. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible.

4. The Redevelopment Plan conforms to the master plan of the community.

5. The carrying out of the Redevelopment Plan would promote the public peace, health, safety and welfare of the community and would effectuate the purposes and policy of the Utah Neighborhood Development Act.

6. The condemnation of real property, if any, provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment of property to be acquired as provided by law.

7. The agency has a feasible method and plan for the relocation of families and persons temporarily or permanently displaced from housing facilities in the project area.

8. There are, or, are being provided in other area not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

F. The Town Council is satisfied permanent housing facilities, if any be required, will be available within three years from the time occupants are displaced, and that adequate temporary housing facilities, at comparable rents, are presently available in the community.

G. Declaration of Community Intent to Carry Out Plan. The Council further ordains that it is its intent to undertake and complete all proceedings necessary to be carried out by community under the provisions of the plan here adopted and approved.

11G-400 AN ORDINANCE ADOPTING THE WATER'S EDGE COMMUNITY REINVESTMENT PROJECT AREA PLAN, AS APPROVED BY THE GARDEN CITY REDEVELOPMENT AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE.

11G-400 Redevelopment Plan for the Water's Edge Community Reinvestment Project Area Plan.

A. The Garden City Council hereby adopts and designates the Project Area Plan, as approved by the Agency Board, as the official community reinvestment plan for the Project Area (the "Official Plan").

B. City staff and its consultants are hereby authorized to prepare and are directed to publish or cause to be published the notice required by UCA § 17C-5-110, whereupon the Official Plan shall become effective pursuant to UCA § 17C-5-110(2).

C. Pursuant to UCA § 17C-5-110(5), the Agency may proceed to carry out the Official Plan upon its adoption.

D. This ordinance shall take effect immediately upon passage, adoption and publication of a summary as provided by law.

PROJECT AREA LEGAL DESCRIPTION

Commencing at the Rich County monument representing the West one quarter corner of Section 21, Township 14 North, Range 5 East, Salt Lake Base & Meridian thence North 00°31'22" East 1,232.92 feet and East 1,932.63 feet to the true point of beginning, (basis of bearings being North 00°31'22" East between the Rich County Monuments representing the West one quarter corners of Sections 21 and 16, Township 14 North, Range 5 East, Salt Lake Base & Meridian):

Thence South 88°50'20" East a distance of 786.00 feet; Thence South 63°14'39" West a distance of 22.00 feet; Thence South 01°57'13" West a distance of 44.04 feet; Thence South 13°44'36" West a distance of 26.50 feet; Thence South 07°21'17" East a distance of 14.00 feet; Thence South 03°07'28" East a distance of 107.00 feet; Thence South 01°11'45" West a distance of 45.00 feet; Thence South 04°11'45" West a distance of 50.00 feet; Thence South 00°11'32" East a

distance of 35.50 feet; Thence South 04°43’47” East a distance of 100.00 feet; Thence South 11°37’49” East a distance of 47.50 feet; Thence South 07°36’28” East a distance of 43.00 feet; Thence South 12°12’12” East a distance of 24.00 feet; Thence South 14°33’38” East a distance of 98.25 feet; Thence North 89°07’46” West a distance of 522.00 feet; Thence North 00°57’12” East a distance of 49.50 feet; Thence North 89°07’46” West a distance of 183.60 feet; Thence North 00°57’12” East a distance of 99.00 feet; Thence North 89°07’46” West a distance of 120.00 feet; Thence North 00°57’12” East a distance of 493.07 feet; to the point of beginning.

This ordinance added October 13, 2016.

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CHAPTER 11H-100 BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

11H-101 Building Permit Required. The construction alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in this ordinance, shall not be commenced, or proceeded with except after the issuance of a written permit for the same by the building inspector. Nonstructural repair and maintenance of a structure will not require a permit.

11H-102 Adoption of National Building Codes. This ordinance shall refer to Garden City Municipal Code 8-401. All construction, alteration and repair shall conform to the building code standards that have been adopted by the State of Utah; and shall be done only upon issuance of a building permit.

11H-103 Electrical Hookup. No electrical hookup shall be permitted by the Utah Power and Light Company or any subsidiary thereof for new construction unless a copy of a valid building permit is on file in the offices of the Garden City Clerk. It shall be the responsibility of the utility company to verify building permit issuance prior to providing electrical hookup.

11H-104 Certificate of Occupancy Required. No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, until a certificate of occupancy shall have been issued by the Building Inspector, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this ordinance or for the renewing, changing, or extending of a nonconforming use. A certificate of occupancy either for the whole or a part of a building or structure shall be issued within the ten (10) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this ordinance.

11H-105 Building Permit and Certificate of Occupancy. Before any land excavation and prior to obtaining a building permit to construct any structure, (residential or commercial) in the town of Garden City, the building inspector, homeowner or business owner and general contractor must meet at building site and determine average undisturbed existing lot grade. At this time, all parties must agree on the average undisturbed existing grade elevation, and GPS this elevation. From this location, the 35’ maximum vertical height will be measured to the highest point of the

building. The building inspector, homeowner or business owner and contractor all must sign the Building Height Agreement. If homeowner or business owner is not present for measurement, their signature must be notarized. If at any time, the building is determined, by the building inspector, to be built to a height greater than what is allowed by ordinance, they will be red-tagged immediately and they will be required to tear down the roof, re-engineer if necessary, and re-build the roof to be in compliance with the ordinances.

Approved May 10, 2018.

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CHAPTER 12-100 POLICE See U.C.A. §10-3-914. et seq.

12-101 Rescinding Criminal Fines. All Criminal fines specified within this Municipal Code are rescinded as of this date and will be set b y resolution of the Code Enforcement Fine Schedule.

CHAPTER 12-200 ANIMAL CONTROL An ordinance regulating animals and fowl running at large, providing for impounding and for sale or disposition of impounded animals.

12-201 Definition of Terms.

A. As used in this ordinance, the following terms mean:

1. Animal: Any live vertebrate creature, domestic or wild.

2. Governing Body: The governing board, council or commission of Garden City, Utah.

3. Keeper: Any person, partnership, or corporation owning, keeping, harboring or having custody of one or more animals.

4. Licensing Authority: The Rich County Sheriff's Office or such other agency as the governing body may from time to time designate.

5. Pet: Any animal kept for pleasure rather than utility.

6. Public Nuisance: Any animal or animals which:

a. molests passerby or passing vehicles

b. attacks other animals

c. trespasses on school grounds

d. is repeatedly at large

e. damages private or public property

f. barks, whines, or howls in an excessive, continuous, or untimely fashion.

7. Restraint: any animal secured by a leash or lead, and under the control of a responsible person and obedient to that person's commands, or within the real property limits of its keeper.

8. Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals.

9. Wild Animal: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state.

12-202 Licensing

A. Any person owning, keeping, harboring, or having custody of any dog over three months of age within this jurisdiction must obtain a license as herein provided.

B. Written application for licenses shall be made to the Licensing Authority which shall include name and address of applicant, description of the animal, a photograph of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.

C. If not revoked, licenses for the keeping of dogs shall be for a period of one year.

D. Application for a license must be made within thirty days after obtaining a dog over three months.

E. License fees shall not be required for seeing eye dogs or governmental police dogs.

F. Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the cog's collar or harness.

G. Dogs must wear identification tags or collars at all times when off the premises of the keeper.

H. The Licensing Authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

I. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a civil penalty of $20.00.

J. The governing body shall by resolution establish fees for the licensing of dogs and duplicate licenses.

B. No person may use any license for any animal other than the animal for which it was issued.

12-203 License Revocation

A. The Licensing Authority may revoke any license if the person holding the license refuses or fails to comply with this ordinance, the regulations promulgated by the Licensing Authority, or any law governing the protection and keeping of animals.

B. Any person whose license is revoked shall, within ten days thereafter, humanely dispose of all dogs owned, kept, or harbored and no part of the license fee shall be refunded.

C. It shall be a condition of the issuance of any license that the Licensing Authority shall be permitted to inspect all dogs and the premises where dogs are kept at any time and shall, if permission for such inspections is refused, revoke the License of the refusing keeper.

12-204 Restraint

A. All dogs shall be kept under restraint.

B. No Keeper shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

C. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

D. Every vicious animal, as determined by the Licensing Authority, shall be confined by the keeper within a building or secure enclosure and shall be securely muzzled or caged whenever outside such building enclosure.

12-205 Impoundment and Violation Notice.

A. Unrestrained dogs and nuisance animals shall be taken by the police, Licensing Authority, or humane officers and impounded in an animal shelter.

B. Impounded dogs shall be kept for not less than three working days.

C. If by a license tag or other means, the keeper of an impounded animal can be identified, the Licensing Authority shall immediately upon impoundment notify the keeper by telephone or mail.

D. A keeper reclaiming an impounded dog shall pay a fee of $20.00 plus $5.00 for each day the dog has been impounded.

E. Any dog not reclaimed by its Keeper within three working days shall become the property of the local government authority, or humane society, and shall be placed for adoption in a suitable home or euthanized.

F. In addition to, or in lieu of, impounding an animal found at large, the Licensing Authority officer, humane officer, or police officer may issue to the Keeper of such animal a notice of ordinance violation. Such notice shall impose upon the keeper a civil penalty of $ 20.00 which may, at the discretion of the animal keeper, be paid to any agency designated by the Licensing Authority within seventy-two hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate and upon conviction of a violation of this ordinance, the Keeper shall be punished as provided in Section II of this ordinance.

G. The Keeper of an impounded animal may also be proceeded against for violation of this ordinance.

H. The Licensing Authority shall review automatically all licenses issued to animal keepers against whom three or more ordinance violations have been assessed in a twelve-month period.

12-206 Wild Animals. No person shall keep or permit to be kept any wild animals as a pet.

12-207 Animal Waste. The Keeper of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.

12-208 Sterilization. No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and a deposit of at least $50.00 must be paid at the time of adoption.

12-209 Enforcement. The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by the governing body. It shall be a violation of this ordinance to interfere with a humane officer in the performance of his duties.

12-210 Prior Licenses. Any license issued to the Keeper of a dog prior to the effective date of this ordinance shall fulfill the licensing requirement of this ordinance for a period of one year.

12-211 Penalties.

A. Any person, individual, public or private corporation, government, partnership, or unincorporated association or firm violating any provisions of this ordinance shall be guilty of a Class C Misdemeanor and shall be subject to imprisonment for not more than ninety (90) days and or a fine of not more than $299.00.

B. Upon any violation of this Ordinance, the Licensing Authority or his representative, or any agency of the Bear River Health Department may prepared in triplicate or more copies of a written notice to the person in violation to appear in Court; containing the name and address of such person, the license number, the breed, sex and color of the animal, the time, place and offense charged, and also the time and place where such person shall appear in court.

C. The time specified in said notice to appear must be at least ten (10) days after such issuance, unless the person in violation shall demand an earlier hearing.

D. The place specified in said notice to appear must be made before a magistrate within Rich County.

E. The person in violation may make a written promise to so appear in Court by signing at least one copy of the written notice. If the written promise to appear is signed, a copy of said notice shall be given to the person promising to appear, and the original shall be filed with the magistrate before whom he is to appear. The original of this notice filed with the Court shall, in lieu of verified Information, constitute an Information to which the defendant may plead guilty. Any person who fails to appear after the written promise to appear in Court, is guilty of a violation of this ordinance.

F. If the person in violation refuses to sign the promise to appear, a verified Information must be filed before a magistrate within this jurisdiction against the person in violation, thereupon a Summons to appear will be issued out of the magistrate's Court.

12-212 Conflicting Ordinance. All other ordinances of this jurisdiction that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

12-213 Severability Clause. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

12-214 Prohibit the Feeding of Big Game.

A. Definition:

1. Big Game are wildlife as defined by the Utah Division of Wildlife

Resources.

B. It is unlawful for any person, organization, business or group to knowingly and intentionally feed big game within the corporate limits of Garden City.

CHAPTER 12-300 General Police Powers. See U.C.A. §10-3-914

12-301 Offenses Regarding Minors. Reserved.

12-302 Disturbing the Peace. No person shall within the Town of Garden City, disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous offensive or obstreperous conduct upon any premises owned or possessed by him or under his control.

12-303 Quiet hours. No person shall disturb the peace of others from 10:00 p.m. to 6:30 a.m.

12-304 Reckless Endangerment or Wanton Disregard. Reckless endangerment is a crime consisting of acts that create a substantial risk of serious physical injury to another person. The accused person isn't required to intend the resulting or potential harm, but must have acted in a way that showed a disregard for the foreseeable consequences of the actions. The charge may occur in various contexts, such as, among others, during operation of any type of motorized vehicle or recreational vehicle, domestic cases, car accidents, construction site accidents, testing sites, and domestic-child abuse situations.

A. A person commits the offense of reckless Endangerment or Wanton Disregard if the person:

1. operates a vehicle in willful or wanton disregard for the safety of persons or property, which may cause injury to a member of the public at large, whether on private or public land, land owned, leased, or operated by the Town of Garden City; or
2. acts in a manner of willful or wanton disregard for the safety of persons or property which may cause injury to a member of the public at large, whether on private or public land, land owned, leased, or operated by the Town of Garden City.

B. Penalty. The fine for reckless endangerment or wanton disregard shall be set by resolution in the Garden City Administrative Code Infraction Fine Schedule.

CHAPTER 12-400 Offenses Against Public Health, Safety, Welfare and Morals.

12-401 Swimming and Bathing in Public Waters. It is prohibited to swim or bath in the waters within the limits of the Town of Garden City, where such conduct is allowed unless wearing a bathing suit or other suitable garment to protect his person from exposure.

12-402 Weapons.

12-403 An Ordinance Establishing the Law in Discharging Guns, Flippers, and Rules and

Regulations Thereof.

A. Discharging Guns. It shall be unlawful for any person to discharge any long range firearm, as defined by Utah Code, or pistol within the limits of Garden City, except in defense of person or property, or in the case of any civil officer in the discharge of his duty, or in case of target shooting after the erection of a proper breastwork or battery for the protection of the citizens.

B. Discharging of air soft guns, sparrow guns, BB guns, air rifles, slingshots, or other similar contrivance shall be allowed within the limits of Garden City, with appropriate consequences for irresponsible use, i.e. breaking windows or damaging property.

ADOPTED: This ordinance is approved and will go into effect this 10th day of March, 2011.

12-404 Fireworks.

A. An Ordinance adopting the State of Utah fireworks regulations. Garden City adopts the State of Utah fireworks regulations. The fine for lighting, discharging, or igniting fireworks in violation of the State of Utah regulations shall be set by resolution in the Garden City Code Infraction Fine Schedule.

12-405 Urinating or Defecating in Public

A. An Ordinance Prohibiting urinating or Defecating in Public. No person shall urinate or defecate within the Town of Garden City while outside of a building or structure, under any of the following circumstances:
   1. When the person is on or in a public street, alley, sidewalk, boulevard, leased beach, park or parking lot.
   2. When the person is in a private parking lot open to us by general Members of the public.
   3. When the person is on private property of another without the permission of the owner.
   4. When the person is on private property and the prohibited act is performed in a location which could allow it to be observed by others from off the property.

B. PENALTY. The fine for any violation of this Ordinance shall be set by resolution in the Town of Garden City Administrative Code Infraction Fine Schedule.

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TITLE 13A – UTILITIES – WATER

CHAPTER 13A-100 Water

13A-101 An Ordinance Establishing Rules and Regulations Governing the Town Water System, and the Use Thereof by Residents and Nonresidents:

13A-102 It is the duty of the Town Council of Garden City to manage and supervise the Garden City water system and from time to time shall by resolution prescribe their powers and duties.

A. Turning on Water. No water from the Town water system shall be turned on for service to any premises by any person but the Water Commissioner, or some person authorized by him to perform this service.

B. Application. Application to have water turned on shall be made in writing to the Town Clerk, and shall be accompanied by a fee as directed by resolution for turning on the water, together with any other fees therein required.

C. Service Connection Fee. No connections with a water main shall be made without a permit being issued and 24 hours notice having been given to the Water Commissioner. All such connections shall be made and all such work done at the expense of the applicant who shall also furnish materials necessary for such work. All such connections shall be made under the supervision of the Water Commissioner, and no connections shall be covered until the work has been inspected by him. Applications for such connections must be made to the Clerk, and a fee shall be paid for each connection.

D. Additional Charges.

1. A Re-Connect Fee, set by resolution, shall be paid to the Town Clerk whenever the water is turned into any premises after service has been discontinued either at the owners request, or for non-payment or other violations of the rules and regulations, or application for water service.

2. A Disconnection Fee, set by resolution, shall be paid to the Town Clerk whenever the water service has been discontinued either at the owners request, or for non-payment or other violations of the rules and regulations, or application for water service.

E. Plumbing. No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the Town; provided, that water may be turned on for construction work in unfinished building subject to the provisions of this ordinance.

F. Resale Prohibited. No water shall be resold or distributed by the user thereof from the Town system to any premises other than that for which application has been made, except in case of emergency.

G. Tampering/Theft of Water Services Prohibited. It shall be unlawful for any person, tenant, or occupant to commit any of the following acts which could, or in fact does, make water unlawfully available to such tenant, occupant or person.

1. To connect any tube or pipe in such a manner as to permit the use of said water without the passing through a meter to record the usage for billing.

2. To alter, bury or prevent the action of a meter used for measuring quantities of water.
3. To break, deface, or cause to be broken or defaced any seal, locking device, or other parts that make up a water meter for recording water usage.
4. To remove a water meter for measuring water.
5. To transfer a water meter from one location to another.
6. To use a water meter belonging to Garden City that has not been assigned to the location and installed by Garden City.
7. To adjust the indicated consumption so that it does not indicate use, registers incorrectly, or to otherwise obtain water from Garden City without passing through a meter for measuring consumption for billing.
8. To fabricate or to use a device to pick or otherwise tamper with the locks used to deter current diversion, meter tampering, and meter thefts.
9. To otherwise take any action resulting in the diversion or unauthorized use of water.

Any violation of this ordinance will be punishable by a fine as established by the code violation fee schedule resolution. The Town will provide grade rings and/or risers when needed at no expense to a property owner.

H. User Prohibited from Turning on Water. It shall be unlawful for any person, after water service has been discontinued from any premises, either for nonpayment of charges or violation of the rules and regulations pertaining to the water system, to turn on or allow the water to be turned on, or to use or allow the water to be used without authority. The Water Commissioner shall remove the water meter or disconnect service to any person violating this section, and said user shall be required to make a new application, make a deposit in the same manner required for nonresidents and persons not owning the premises, and pay a new connection fee as provided in this ordinance the same as if he had never been connected to the system.

I. Installation. All service pipes from the mains to the premises served shall be installed by, and at the cost of the owner of the property, or the applicant for the service. Such installations shall be under the inspection of the Water Commissioner.

J. Plumbing Permit, Report. It shall be unlawful for any person to make any extension of any pipe or water fixture attached to the waterworks system for any purpose whatever without first obtaining a permit therefore from the Water Commissioner. All persons must within twenty-four (24) hours after the completion of any plumbing work connected with the water system, report the same to the Water Commissioner.

K. Excavations. Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets.

L. Sewer Pipes. It shall be unlawful to place any water service pipe in the same excavation with or directly over any drainpipe or sewer pipe.

M. Shut Off Boxes. Shut off boxes shall be placed on every service line and it shall be located along the edge of the street line whenever practicable. Such boxes shall be so located that they are easily accessible, and shall be protected form frost.

N. Repairs. All repairs for service pipes and plumbing system of buildings shall be made by and at the expense of the owners of the premises served. The Town may, in case of emergency, repair any service pipes and if this is done the costs of such repair work shall be repaid to the Town by the owner of the premises served.

O. Waste Prohibited. It shall be unlawful for any water user to waste water, or allow water to be wasted, through leaking pipes or otherwise, or to allow water to wastefully run from the system in amounts more than are sufficient for the purpose for which the water is being used. No open hoses.

P. Inspection. The Water Commissioner, and his agents, shall have free access to places supplied with water from the Town system at all ordinary hours for the purpose of examining pipes and apparatus and ascertaining if water is being wasted or used in any way contrary to the provisions of this ordinance.

Q. Liability. The Town shall not be liable for any damages caused any water user, or to any premises, by reason of stoppage of interruption of the water supply whether caused by fires, drought, accidental damage to the system, alterations, addition, repairs, or any other cause.

R. Hydraulic Motors. No water shall be used from the Town system for the purpose of operating any motor, siphon, turbine, hydraulic engine, elevator, or for propelling or driving any type or kind of machinery; nor shall any license be granted or issued for any such purpose except by resolution of the Town Board.

S. Water Audit. The Town reserves the right to do a water audit at anytime to any use connected to the Garden City water system. If the audit request is refused, the water will be disconnected to the property.

T. Sprinklers and Irrigation. The Town Board shall have the power to regulate the use of water from the town system for sprinkling and irrigation, by resolution, and may restrict, or prohibit use of water for sprinkling or irrigation, or limit the number of outlets and the type of outlets that may be used for such purposes. Notice of such resolutions shall be made by posting a copy of the resolution in three prominent locations within the corporate limits. There shall be no open hoses allowed.

U. Multiple Users on One Connection. Where two or more users or premises are presently supplied from the same service pipe, the failure on the part of any of said parties to comply with these ordinances shall warrant the Town in withholding supply of water through said service pipe until a separate service pipe is put in for each user or premises under regular application and in accordance with the terms of this ordinance.

V. Meters Required. All premises using the Town water supply must be equipped with an adequate water meter furnished by the Town, but paid for by the consumer; provided that such water service may be supplied by the Town at a flat rate of charge until such meter may be installed. All new connections shall have a meter installed when the connection is made and before any premises are occupied or no water shall be furnished to such premises.

1. Outbuilding, which is subordinate to the main building:

a. Residential. A residential meter/connection is allowed for 1 residence and 1 outbuilding. An outbuilding is defined as a building such as a shed, barn or garage on the same property but separate from the main residential building. An outbuilding cannot contain a kitchen without a separate water meter. A kitchen means an area within a structure that is used or designed to be used for the preparation of cooking of food and that contains one or both of the definitions listed in ordinance #11A-200.

b. Commercial. All commercial buildings are required to pay an impact fee and monthly bill based on the ERU's listed on Table 1.

1. Commercial connections are restricted to the size of the meter and based on fixture units serviced by the water connection.

The meter restrictions are listed below:

a. ¾" maximum of 32 fixture units.

b. 1" maximum of 50 fixture units.

c. 1.5" maximum of 170 fixture units

d. 2" maximum of 200 fixture units

e. Anything larger than a 2" meter must be engineered to determine appropriate meter/line size, and approved by the Garden City Public Works Director.

f. Fixture units are calculated on Table 2 and set by resolution.

c. Meter must service on 1 owner and 1 lot with the bill going to 1 property owner.

d. Any subdivision of property will require a separate meter on each lot prior to subdivision.

W. Installation of Meter. Meters shall be installed on the property line in the location that will be easily accessible for the purposes of reading and maintenance by the Garden City Public Works Department.

X. Reading Meters. The Water Commissioner shall read or cause to be read every water meter used in the Town at such times as are necessary that bills may be sent out at the proper time.

Y. Meters. Any water meter shall be taken out and tested upon complaint of the user, and upon payment of a fee of $10.00. If upon testing the meter is not within three percent (3%) of being correct it shall be repaired or replaced and the deposit returned to the user, otherwise said fee shall be retained by the Town for such services and testing.

Z. Construction. During the construction of any building and before any water is installed as is herein provided, the contractor so constructing may be permitted to use the Town water supply by making application therefore, and paying a flat fee which shall be set by the Town Board.

AA. Nonpayment. The water supply may be shut off from any premises or to any user, for which the water bill remains unpaid for a period of ten (10) days after such bill is rendered and mailed. When shut off, the water shall not be turned on except upon payment of the usual fee for turning on water, together with all unpaid water bills.

BB. Extension of Water Mains. Any person desiring to have the water mains extended within the corporate limits of this Town may petition the Town Board for such extension. Such petition must indicate that the person is ready, willing, and able to pay all costs of such extension and contain a description of the proposed extension together with a map thereof. A deposit of $25.00 shall accompany said petition. After the receipt of the petition, the Town Board shall make an estimate of the costs of such extensions and upon deposit of the estimated costs with the Town Clerk, the Town Board shall enter into a written contract with the petitioner setting forth the terms and procedures for completion of the proposed extension, before the petition shall be approved and construction of the extension commenced.

CC. Users Outside Town Limits. The Town of Garden City may furnish water from its system to persons outside its corporate limits in accordance with the laws of this state and the following ordinances; provided, however, that such water shall be supplied only when and if there is surplus water beyond the requirements of the persons living within the corporate limits.

Developers requesting water service from the Garden City Water system, outside the town limits will be required to pay a deposit at the same rate as developers inside the city limits, which is set by resolution and listed in the Fee Schedule. The deposit will be used for Attorney, Engineer and any other professional services billed to Garden City and relevant to the development. The deposit will also be used for staff time and labor incurred as a direct result of the development. Any portion of the deposit not used for these fees will be refunded to the developer.

DD. Extensions. Any person located outside of the Town limits may petition the Town Board in the same manner as prescribed for residents. However, the Town Board shall not be obligated in any way to answer to consider such application if they so desire and shall not be obligated in any way except to return the deposit which has been made with said petition.

EE. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined as stipulated by resolution and recorded on the infraction code schedule.

FF. Special Uses. The Town Board President, with the consent of the Town Board, may enter into contracts for the providing of water under special circumstances not contemplated by the foregoing provisions such as but not limited to the following: industrial, stock watering, large commercial establishments, and parks and playgrounds.

GG. Discounted water rates for qualifying Senior Citizens.

1. All Senior Citizens (as defined by the federal definition of Senior Citizens for purposes of receiving assistance payments benefits) presently or hereinafter connected to the Town Water system shall pay one-half (1/2) the minimum monthly charge per month for water services provided by

the Town, provided that such Senior Citizen shall provide appropriate financial evidence that their annual income is equal to or below the figures established as the national poverty level by the federal government for the number of persons in the household requesting such Senior Citizen water rate, provided that the monthly amount of water used does not exceed 7500 gallons as shown on the water meter. In the event said usage exceeds 7500 gallons per month, the fee for excess water above and beyond 7500, gallons per month shall be billed at a rate equal to all other rates then charged by the Town of Garden City.

HH. Private Wells. No private wells are allowed with the Garden City town limits.

II. Utility Services. Under the discretion of the Public Works Director, the Building Official, and the Council Member over water, utility services may be shut off to aid in compliance with the Garden City Municipal Code and/or State Code. Current turn on/turn off fees will be charged to the property owner. All utility fees charged by other entities will be the responsibility of the property owner.

(Updated September 14, 2017)

CHAPTER 13A-200 Control of Backflow and Cross Connections

13A-201 Cross-connections - General Policy

13A-202 Purpose of Ordinance

A. To protect the safe drinking water supply of the Town of Garden City from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system(s) or private water system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and,

B. To promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and,

C. To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all drinking water systems.

13A-203 Responsibility

A. Town of Garden City shall be responsible for the protection of the drinking water distribution system from foreseeable conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.

B. Drinking water system survey's inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the Town of Garden City.

C. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined form the results of the system survey.

13A-204 Consumer's Responsibility

A. To comply with this ordinance as a term and condition of supply and consumer's acceptance of service is admittance of his/her awareness.

B. It shall be the responsibility of the consumer to purchase, install, test and maintain any backflow prevention device/assembly required to comply with this ordinance.

13A-205 Plumbing Official Responsibility

A. The plumbing officials responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream r consumer side of the meter) and continues throughout the developed length of the consumer's water system.

B. The Plumbing official will review all plans to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the Utah Plumbing Code.

C. Water vacating the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the Utah Plumbing Code.

13A-206 Certified Backflow Assembly Technicians, Surveyors or Repair Persons Responsibilities.

A. Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technicians, Surveyors or Repair persons will have the following responsibilities:

1. Insuring acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.

2. Make reports of such testing and/or repair to the consumer, water purveyor, and the Bureau of Drinking Water/Sanitation on forms approved for such use by the Bureau of Drinking Water/Sanitation, and within the time frames prescribed by the Bureau of Drinking Water/Sanitation.

3. The report shall include the list of materials or replacement parts used.

4. Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.

5. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.

6. The person conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom.

B. In the case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the Bureau of Drinking Water/Sanitation.

13A-207 Definitions

A. Definitions.

1. Water Purveyor: The person designated to be in charge of the Water Department of the Town of Garden City, is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

2. Approved Backflow Assembly: Accepted by the Utah Department of Health, Bureau of Drinking Water/Sanitation, as meeting an applicable specification or as suitable for the proposed use.

3. Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over

which the water purveyor does not have authority for sanitary control.

4. Backflow: The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

5. Back-Pressure: The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source(s) other than the intended source.

6. Back-Siphonage: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a pitiable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

7. Backflow Prevention Assembly: An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah Plumbing code, Chapter 10, (Appendix J), and the Cross Connection Control Program for Utah.

8. Contamination: Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials.

9. Cross Connection: Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material or questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multiport tubes or other plumbing arrangements.

10. Cross Connection - Controlled: A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

11. Cross Connection - Containment: The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

13A- 208 Requirements

A. Policy.

1. No water service connection to any premises shall be installed or maintained by the Public Water Purveyor unless the water supply is protected as required by State laws, regulations, codes, and this ordinance. Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time suspense for voluntary compliance, if:

   a. A backflow prevention assembly required by this ordinance for control of backflow and cross connections is not installed, tested, and maintained, or

   b. If it is found that a backflow prevention assembly has been removed or by-passed, or

   c. If an unprotected cross connection exists on the premises, or

   d. If the periodic system survey has not been conducted.

   Service will not be restored until such conditions or defects are corrected.

2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey.

3. Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

4. The type of protective assembly required under subsection 3.1.3, shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the

purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 3.1.6, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or, requires more than minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

6. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the Public Water Purveyor deems the hazard to be great, he may require survey's/inspections and tests at a more frequent interval. It shall be the duty of the Public Water Purveyor to see that these tests are made according to the standards set forth by the State Department of Health, Bureau of Drinking Water/Sanitation.

7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

8. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level.

9. If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within 10 days of the written notification of deficiencies noted within the survey, then the public water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the consumer has corrected the condition(s) in conformance with the State and City statutes relating to plumbing, safe drinking water supplies and the regulations adopted pursuant thereto.

CHAPTER 13A-300 General Improvements Requirements

13A-301 Scope. This chapter defines the general requirements for improvements. The improvements for subdivisions shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the subdivision nearest existing improvements. Layout must provide for future extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All water lines, and any other buried conduit shall be installed to the boundary lines of the subdivision.

13A-302 Standards for Construction Drawings. The following standards are for the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style: All drawings shall be approved by the Town Engineer.

A. Required Information. These plans and designs shall meet the standards defined in the specifications and drawings hereinafter outlined. The minimum information required on drawings for improvements are as follows:

1. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting room practice. Size of plan sheet shall be 24 x 36 with one-half inch border on top and bottom, and one and one-half inch border on right and left sides.

2. Culinary water drawings shall show:
   a. Scale: No smaller than 1" = 100' or 1" = 50' horizontal; or 1" = 50' vertical. And is to fit on required size sheet. Projects that require smaller scale to fit the sheet may be required to have more than one sheet.
   b. Size and location of water mains, valves and hydrants.
   c. All hydrant location and such from Town ordinance.
   d. Type of pipe.
   e. Minimum cover.
   f. Connection to existing system.
   g. Cross Section of road.
   h. Special situations that might require more detail.

Drawings shall indicate location of any demolition and reconstruction areas. It shall indicate the procedure and materials to be used.
Drawings shall indicate all properties and streets involved in the project.
Drawings may also be required to indicate adjacent properties and streets.

Drawings shall include any cross sections or details for clarity of design, and any requested by Inspector, Plan Check Engineer, or Town Council.
Drawings shall use standard civil engineering symbols.

Drawings shall use Town of Garden City standard Title Block for Water Development Standards Drawings.

13A-303 Inspection. All construction work involving the installation of improvements in subdivision shall be subject to inspection by the municipality. Certain types of construction shall have continuous inspection while others may have only periodic inspections.

A. Continuous Inspection. Continuous inspection shall be required on the following types of work:
   1. Laying of water pipe, drainage pipe, valves, hydrants and testing.
B. Periodic Inspection. Periodic inspection shall be required on the following:
   1. Trenches for laying pipe.

On construction requiring continuous inspection, no work shall be done except in the presence of the inspector.

The appropriate persons or agencies of the Town shall inspect or cause to be inspected all, fire hydrants, water supply lines and systems in the course of construction, installation, or repair. Excavations for fire hydrants and water and laterals shall not be covered until such installations shall have been inspected and approved by the Building Inspector or Town Engineer. If such installation shall be covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible persons by the Town Inspector or Town Engineer.

13A-304 Requests for Inspection. Requests for inspection shall be made to the municipality by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made three days prior to the commencing of the work. Notice shall be given 24-hour minimum in advance of the starting of work requiring periodic inspection.

13A-305 Construction Completion Inspection. An inspection shall be made by the Town Inspector or Water Engineer after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of thirty (30) days of the date of the inspection report defining the faulty or defective work prior to covering the trenches. The thirty (30) day period does not apply to issue concerning safety. This must be immediate.

13A-306 Guarantee of Work. The subdivider shall warrant and guarantee (by bond) that the improvements provided for hereunder, and every part thereof, will remain in good condition for a period of two years after the date of the construction completion inspection report by the Town Engineer and agrees to make all repairs to and maintain the improvements and every part thereof in good condition during that time with no cost to the municipality.

CHAPTER 13A-400 Excavation for Pipelines. General.

13A-401 This section covers the requirements for trenching for underground pipelines.

13A-402 Excavation for Pipelines. Excavation for pipelines shall follow lines parallel to and equidistant from the location of the pipe centerline. Trenches shall be excavated to the depths and widths required to accommodate the construction of the pipelines as follows:

13A-403 Trench Width. Trench width at the ground surface may vary depending on depth, type of soil, and position of surface structures. The minimum clear width of the trench, sheeted or unsheeted, measured at the spring line of the pipe should be 1 ft. (300 mm) greater than the outside diameter of the pipe. The maximum recommended clear width of the trench at the top of the pipe is equal to the pipe outside diameter plus 2 ft. (600 mm). If the maximum recommended trench width must be exceeded or if the pipe is installed in a compacted embankment, then pipe embedment should be compacted to a point of at least 2 ½ pipe diameters from the pipe on both sides of the pipe or to the trench wall, whichever is less.

A. Excavation shall not be carried below the grade shown on the approved drawings. Any unauthorized excavation made below grade for any reason shall be backfilled in accordance with the backfill specifications.

B. Excavation for trenches in ledge rock, cobblerock, stones, mud or other material unsatisfactory for pipe foundation, shall extend to a depth of at least four inches below the bottom of the pipe. A bedding of special material shall be placed and thoroughly compacted with pneumatic tampers in four-inch lifts to provide a smooth, stable foundation. Special foundation material shall consist of suitable materials free from roots, sod or vegetable matter. Trench bottoms shall be hand shaped as specified in paragraph A above.

C. Where unstable earth or much is encountered in the excavation at the grade of the pipe, a minimum of six inches below grade will be removed and backfilled with crushed gravel to provide a stable subgrade.

D. The maximum width of trench, measured at the top of the pipe, shall be as narrow as possible, but not wider than 12 inches on each side of sewer pipe and 15 inches on each side of water pipe.

<u>13A -404 Control of Ground Water.</u> All trenches shall be kept free from water during excavation, fine grading, pipe laying, jointing, and embedment operations. Where the trench bottom is mucky or otherwise unstable because of the presence of ground water, and in cases where the static ground water elevation is above the bottom of the trench or bell hole excavation, such ground water shall be lowered to the extent necessary to keep the trench free from water and the trench bottom stable when the work within the trench is in progress. Surface water shall be prevented from entering trenches.

<u>13A - 405 Gravel Foundation for Pipe.</u>

A. Wherever the subgrade material does not afford a sufficiently solid foundation to support the pipe and superimposed load and where water must be drained to maintain a dry bottom for pipe installation and at other locations as previously defined, the subgrade shall be excavated to the specified depth and replaced with crushed rock or gravel. See A.S.T.M. D-2321.

<u>13A – 406 Blasting.</u> The Contractor shall comply with all laws, ordinances, and applicable safety code requirements and regulations relative to the handling, storage, and use of explosives and protection of life and property, and he shall be fully responsible for all damage attributable to his blasting operations. Excessive blasting or overshooting will not be permitted and any material outside the authorized cross section which may be shattered or loosened by blasting shall be removed by the contractor. Indicate which permits and bonds are required.

<u>13A – 407 Sheeting, Bracing and Shoring of Excavation.</u>

A. Excavation shall be sheeted, braced and shored as required to support the walls of

the excavations to eliminate sliding and settling and as may be required to protect the workmen, the work in progress and existing utilities and improvements. All such sheeting, bracing and shoring shall comply with the requirements of the Utah State Industrial Committee.

B. Prior to <u>any</u> individual, workman, or inspector proceeding into any open excavation which requires bracing, sheeting, shoring, or otherwise personnel protection devices: written approval for such proceeding must be granted in person by the Town Engineer after careful examination of existing conditions and inspection of all trench shoring materials. Workers shall not proceed until such written approval is granted.

C. All damage resulting from lack of adequate sheeting, bracing and shoring shall be the responsibility of the contractor and the contractor shall affect all necessary repairs or reconstruction resulting from such damage.

CHAPTER 13A-500 Pipe Installation and Embedment, General.

<u>13A - 501 This chapter discusses the installation of pipe in trenches, the use of casings, the selection and installation of appurtenances, and the use of thrust blocking.</u>

<u>13A - 502 Installation in Trenches.</u>

A. With all pipe products, proper installation procedures are essential to successful pipe performance. Although recommended installation procedures for pipes do not vary substantially, understanding of significant differences is important.

B. Garden City requires that all pipe installations are properly implemented as per the Subdividers Engineers specifications. Upon the completion of the Subdividers Engineering plan submittals. The Town Engineer will coordinate with the Subdividers Engineer firm to be consistent with the manufacturers recommendations on embedment materials of pipe embedment. The Subdividers Engineer will coordinate all specifications to include diverse soil types and specific embedment materials needed for those diverse soil types. The Town Engineer will provide recommendations as needed, to the Water Commissioner on submitted pipe embedment materials.

<u>13A - 503 Installation of Pipe.</u>

A. All pipe installation shall comply to the specified requirements of the pipe manufacturer.

B. All water pipes shall be installed at a minimum of five feet below finish grade to top of pipe.

<u>13A - 504 Haunching.</u> The most important factor affecting pipe performance and deflection is the haunching material and its density. Material should be placed and consolidated under the pipe haunch to provide adequate side support to the pipe while avoiding both vertical and lateral

displacement of the pipe from proper alignment. Where coarse materials with voids have been used for bedding, the same coarse material should also be used for haunching and consideration should be given to using wide trench construction. Haunching is placed up to the pipe springline.

CHAPTER 13A-600 Initial backfill

13A-601 Initial Backfill is that portion of the pipe embedment beginning at the springline of the pipe and some distance over the top of the pipe.

A. Initial Backfill shall be free of large stones, frozen lumps or any material or substance that would be detrimental to the performance or the life of the pipe.

13A - 602 Placement of Initial Backfill. Placement of initial backfill shall be done in such a manner as not to damage or displace the location of the pipe nor cause any detrimental conditions to exist within the trench or pipe laying area.

13A - 603 Compaction of Initial Backfill. Compacting equipment used in consolidating initial backfill shall be limited to hand operated mechanical and vibratory devices with weight limits of 250 lbs. These units when operated by qualified construction personnel shall be capable of rendering 95% of AASHTO T-180 compacting effort.

13A – 604 Initial Backfill - Special Conditions. In trench water conditions initial backfill shall be placed only after the trench has been de-watered and inspection of the pipe and haunching materials has been performed by the Project Engineer and the Town Official.

Variable gradation of the initial backfill should be considered in these areas and shall be approved by the Town Engineer prior to placement.

13A – 605 Final Trench Backfill, above Pipe Zone. Backfill above the pipe zone shall be of one more of the following classes as herein required or as shown on the Plans, or as specified in the Special Provisions.

13A – 606 Class “A” Backfill (Mechanically Compacted). This class of backfill is intended for use on paved streets or other areas where immediate and thorough compaction and completion of the trench backfill is required. The entire depth of the trench above the pipe zone shall be backfilled and compacted in eight inch layers with each layer being approximately parallel to the pipe grade longitudinally and level transversely. The backfill material for each layer shall be evenly wetted with enough water where necessary to assure it being within plus or minus 2% of its optimum moisture content and compacted by mechanically operated tampers or vibrators until it acquires a compacted density of at least 95% of its maximum density (as determined by AASHTO. Designation T-180 Method “A” (Modified Proctor Density).

13A – 607 Compaction of Backfill. Backfill shall be compacted by means of sheepsfoot rollers, pneumatic tire rollers, vibrating rollers or other mechanical tampers of size and type approved by the Town Engineer.

Where compaction methods are used, the material shall be placed at a moisture content such that after compaction, the required relative densities will be produced; also the material shall be placed in lifts which, prior to the compaction, shall not exceed 8 inches.

Prior to compaction, each layer shall be evenly spread, moistened, and worked by disk harrowing or other means approved by the Town Official.

If the required relative density is not attained, test sections will be required to determine adjustments in compacting equipment, thickness of layers, moisture content and compactive effort necessary to attain the specified minimum relative density.

Written approval of equipment, thickness of layers, moisture content and compactive effort shall not be deemed to relieve the contractor of the responsibility for attaining the specified minimum relative densities. The contractor, in planning his work, shall allow sufficient time to perform the work connected with test sections, and to permit the Town Engineer to make tests for relative densities.

13A – 608 Imported Backfill Material. In the event the native excavated material is not satisfactory for backfilling, the contractor shall provide imported granular material. This granular material shall pass a three-inch square sieve and shall not contain more than fifteen percent (15%) of material passing a 200 mesh sieve, and shall be free from sod, vegetation and other organic or deleterious materials.

13A – 609 Disposal of Excess Materials. All excess materials shall be hauled away from the construction site and disposed by the contractor.

13A – 610 Class B Backfill (Water Densified). After completion of the compaction within the pipe zone, the balance of the trench shall be loosely filled with the excavated material and thoroughly saturated with water either by flooding, jetting or other such means necessary to assure the required backfill settlement. Water shall be applied in such quantity and at a rate sufficient to thoroughly and completely saturate the entire thickness of the lift being densified. Where the trench is on a steep slope and water saturation of the backfill material is difficult due to the steepness of the slope, jetting pipes or nozzles shall be inserted into the backfill or water shall be applied to the backfill at sufficiently close intervals along the trench to ensure that the backfill will be evenly and thoroughly saturated and uniformly consolidated or densified.

The depth of backfill shall not exceed that which can be readily densified by the flooding or jetting procedure, but in no case shall the undensified lift exceed 10 feet for flooding or 15 feet for jetting. If the trench depth exceeds these limits it shall be backfilled and densified in two or more lifts of approximately equal thickness.

In the event that application of water alone fails to produce the required relative compaction throughout the entire thickness of the lift, the flooding or jetting shall be supplemented by the use of vibratory compaction equipment. Vibratory compaction or densification may be applied by the use of probe-type vibrators to the surface of the backfilled trench.

Class B" Backfill (Water Densified) may be used up to within one foot of the roadway subgrade. After the water densified backfill has cured or dried out enough to be stable, the top one foot of backfill immediately below the existing or proposed roadway subgrade shall be compacted to 95% of AASHTO T-180 Method "A" (Modified Proctor Density).

13A – 611 Class "C" Backfill. This class of backfill is intended for use through open or undeveloped areas where subsequent trench settlement would not be objectionable. It is not to be used within existing or proposed streets unless specifically authorized by the Town Engineer.

After completion of the backfilling and compaction within the pipe zone, the excavated trench material may be pushed back into the trench by mechanical or other means to a depth that is 12 inches below the top of the trench. The trench backfill shall then be thoroughly saturated with water, either by jetting, puddling, or other such means necessary to assure the required backfill settlement.

After settlement has taken place, the remaining depth of trench shall be backfilled with the remaining excavated material, or imported material if necessary and pneumatically rolled by truck or roller to provide a relatively hard, compacted trench surface that is at, or slightly above, the natural ground elevation. Trenching must be checked after one year and brought back to original grade.

13A - 612 Class "D" Backfill. This class of backfill is intended for use through dedicated easements where lawn sod, shrubs, topsoil, fences and other items must be removed and replaced by the Contractor during the trench excavation and backfill operation.

In areas where Class "D" backfill is required, the Contractor shall first notify the affected property owner(s) 10 days prior to the impending construction work through the easement. The Contractor shall then carefully remove all shrubs, fences, and other above-ground items. Carefully cut and remove all lawn sod and remove the topsoil for a depth of at least 12 inches (or the depth of the actual topsoil if less than 12 inches) with the width of the lawn sod and topsoil removal being at least two (2) feet wider (one foot per side) than the excavated trench width. The topsoil material shall be piled separately from and shall not be mixed with the remainder of the excavated material.

After completion of the backfilling and compaction of the pipe zone, the remainder of the trench shall be backfilled in eight-inch lifts with the material in each lift being evenly wetted and compacted to at least 90% of its standard maximum density. The top twelve (12) inches of the trench (or actual topsoil depth referred to above) shall be backfilled in 6-inch lifts with the removed topsoil. The topsoil backfill shall be evenly wetted and compacted to 80-85% of its standard maximum density. The Contractor shall then replace the lawn sod, shrubs, fences, or other items that may have been removed from within the easement area and shall clean up and remove any rocks, dirt, or other debris that remain from the construction work. Upon conclusion of the work within the easement, the Contractor shall secure a written release from all affected property owners 10 days prior to stating their acceptance of the work. In lieu of removing and replacing the lawn sod, the Contractor may, with the agreement of the property owner, replant the lawn or pay the property owner to replant the lawn. Such agreement shall be documented in the above referenced final letter of acceptance from the property owner(s). Trenching must be

checked after one year and brought back to original grade.

13A – 613 Precautionary Measures. In all water densified final backfills, all precautions necessary shall be taken by the Contractor to prevent damage and movement (including floating) of the pipeline, structures and existing adjacent improvements and utilities. The allowance of the use of consolidation methods shall not be construed as guaranteeing or implying that the use of such methods will not result in damage to adjacent ground. The Contractor shall make his own determination in this regard, and shall assume all risks and liability for settlement or lateral movement of adjacent ground, or improvements, or utilities, either on the surface of the ground or underground.

CHAPTER 13A-700 Pipe Materials, Ductile Iron Pipe.

13A – 701 This section shows the specifications for Pipe Materials.

A. Ductile iron pipe shall be on thickness Class 51 (AWWA C-150) for three or four inch pipe and thickness Class 50 (for pipe sizes four inches through 12 inches) meeting the requirements of ASA Specification A-21.51 and shall have joints conforming to ASA A-12.11 of the push on rubber gasket type or the mechanical joint type with plain rubber gaskets.

Fittings shall be of the short body design and shall meet ASA Specifications A-21.10 and shall have mechanical or push on rubber gasket type joints.

1. All exterior surfaces of pipe and fittings shall be coated with hot coal tar as specified in the Proposed American Standard Specifications for Coal Tar Dip Coatings for Cast Iron Pipe and Fittings.
2. All interior surfaces of pipe and fittings shall be coated with the standard thickness of cement mortar lining in conformity with the requirements of ASA Standard A-21.4.
3. Pipe and fittings shall be handled in such a manner as to insure installation in sound, undamaged condition. Particular care shall be taken not to injure the pipe coating and lining. Cement lining in pipe or fittings which is broken or loosened shall be cause for rejection of the pipe or fittings.
4. All damaged pipe coating shall be repaired, prior to laying the pipe or placing the backfill. Repair shall be accomplished by removing all damaged coating, wire-brushing to exposed metal, and applying two coats of coal tar coating or a type and quality equal to that used originally in coating the pipe.
5. Cutting of pipe for closure pieces or for other reasons shall be done in a neat and workmanlike manner by a method which will not damage the pipe. Before installation, each pipe shall be inspected for defects and rung with a light hammer to detect cracks. All defective, damaged or unsound pipe shall be rejected.

13A - 702 Polyvinyl Chloride Water Pipe.

A. General. This specification covers rigid polyvinyl chloride pipe and fittings, hereinafter called PVC pipe and PVC fittings, the type of materials to be used and the method of application to this system. All PVC pressure pipe shall conform to AWWA Standard C-200.

The use of PVC C-200 water pipe shall first be approved for the use by the Town Engineer, and Town Official.

13A – 703 Polyvinyl Chloride Plastic Pressure Pipe.

A. Basic Materials. The rigid PVC pipe used in the municipal water main distribution system shall have a cell classification of 12454 A or B as identified by ASTM C-1784 "Rigid Poly (Vinyl Chloride) compounds and Chlorinated Poly (Vinyl Chloride) Compounds".

B. Qualifications for Potable Water Service. The rigid PVC pipe shall bear the seal of approval (or "NSF" mark) of the National Sanitation Foundation Testing Laboratory, Inc. or other similar accredited testing agency, which has qualified the pipe for potable water service.

C. Pressure Design.
1. The pressure design of each length of pipe shall have the quick burst strength as listed in Table 4 paragraph 2.2.3.2. AWWA Standard C-200.
2. The internal pressure class (working pressure) rating shall be determined in accordance with paragraph A3 AWWA Standard C-200.
3. All pipe shall meet pressure Class 150 as listed in Table 1 at the end of this chapter. Class 100 is not permitted.

D. Pipe Lengths. Pipe shall be produced in standard and random lengths. At least eighty-five percent (85%) of the total footage of pipe of any class and size, shall be furnished in standard lengths. The remaining fifteen (15%) percent may be in random lengths.
1. Standard laying lengths shall be 20 feet plus or minus one inch for all sizes.
2. Random lengths shall not be less than ten feet long.

E. Sockets and Couplings. The integral socket bell of the PVC pipe or the separate coupling shall meet the same strength requirements as that of the pipe.
1. An integral socket PVC bell or a separate coupling for use with the same size and class as that of the pipe, shall be furnished with each length of pipe.
2. Rubber rings shall conform to requirements of the latest edition of ASTM D-1869.

(F) Surfaces. The inside and the outside surface of each length of pipe shall be free from nicks, scratches, and other surface defects and blemishes. The pipe shall be homogeneous throughout, free of any bubbles, voids, or inclusions.

TABLE 1 13-1

Dimensions and Pressure Classes for Dimensions Ratio (DR) for PVC 1120 Pipe With Cast Iron Pipe Equivalent ODs

AWWA C-900

Nominal Size (in)	Pressure Class* @ 73.4 F. (23 C) psi	DR	OD (in)		Wall Thickness (in)	
			Average	Tolerance	Minimum	Tolerance
4	100	25	4.800	+/-0.009	0.192	+0.023
4	150	18	4.800	+/-0.009	0.267	+0.032
4	200	14	4.800	+/-0.009	0.343	+0.041
6	100	25	6.900	+/-0.011	0.276	+0.033
6	150	18	6.900	+/-0.011	0.383	+0.046
6	200	14	6.900	+/-0.011	0.493	+0.059
8	100	25	9.059	+/-0.015	0.362	+0.043
8	150	18	9.059	+/-0.015	0.503	+0.060
8	200	14	9.059	+/-0.015	0.646	+0.078
10	100	25	11.100	+/-0.015	0.444	+0.053
10	150	18	11.100	+/-0.015	0.617	+0.074
10	200	14	11.100	+/-0.015	0.793	+0.095
12	100	25	13.200	+/-0.015	0.528	+0.063
12	150	18	13.200	+/-0.015	0.733	+0.063
12	200	14	13.200	+/-0.015	0.943	+0.113

*Pressure classes are working - pressure ratings.

CHAPTER 13A-800 Valves, Hydrants and Miscellaneous Items, General.

13A – 801 This section covers valves, hydrants, and meters required in the project construction together with other miscellaneous items to be installed.

13A – 802 Gate Valves. Gate valves shall conform to AWWA Specification C-500. Valves shall be of cast iron body, bronze mounted, resilient seat, non-rising stem design with O-ring seals. Valves shall be of mechanical joint, or flanged connection design as shown on the drawings. Buried valves shall have two inch operating nuts, and valves in structures shall be handwheels.

13A – 803 Valve Boxes. All buried valves shall be installed complete with two-piece, cast iron, screw type or slip, five and one fourth inch shaft valve box.

13A – 804 Fire Hydrants. Fire hydrants shall be "watrous" type designed to conform to AWWA Specification C-502 and shall be the compression type. Hydrants shall be of modern contoured style equal in appearance to the Mueller Super Centurion.

Hydrant valves shall be minimum of five-inch size. Hydrants shall be supplied complete with two, two and one- half inch hose nozzles and one four and one-half inch pumper nozzle. All nozzles shall be provided with National Standard threading. All hydrants shall be supplied complete with a flanged by mechanical joint and auxiliary gate valve box. Each hydrant shall also be supplied with O-ring seals, a National Standard pentagon operating nut, which is designed for clockwise rotation closing, and a fine inch ASA 150 pound flanged inlet.

13A – 805 Couplings. Couplings shall be equal to the product of Tyler or Romac with cast iron couplings being used on all cast iron and PVC plastic pipe and steel couplings on steel pipe. Couplings shall be of the straight, transition or reducing style as required by the specific installation.

CHAPTER 13A - 900 Water Services, General.

13A – 901 This section governs materials and installation practices for connections to main lines through approved type connections and materials. All connections shall require service clamps (saddle) at the main line.

13A – 902 Corporation Stops. Shall be Mueller I.P. Thread/110 conductive compression corporation stops (H-15028) or approved equal and shall be installed on service clamp on main lines. Material shall be coordinated with the Town Water Commissioner.

13A – 903 Unions and Couplings. Shall be Mueller H-15428, and H-15451 or approved equal including Mueller 110 conductive compression fittings.

13A – 904 Service Clamps. All service clamps shall be of approved bronze or ductile iron material equipped with IP Thread Receiver and Neoprene gaskets. All clamps shall be Mueller Type 110 or approved equal.

13A – 905 Service Line Material. Service line material shall be 3/4" IPS Poly Tube 200 psi and shall run conclusively from the connection with the water main and property line.

13A – 906 Water Meters. Water meters shall be provided to the property owner once parts and water connection fee is paid.

13A – 907 Copper Setters, Meter Barrels and Lids. Copper setters shall be of copper construction with an approved backflow device integrally constructed. Copper setters, meter barrels and meter lids shall be supplied and installed by the developer. Material and installation shall be coordinated with the Water Commissioner. (Ord #13)

13A – 908 Materials receive Approval. All materials used must first receive written approval from the City Engineer and Water Commissioner and Water Operator before installation has occurred. (Ord. #13)

CHAPTER 13A – 1000 Thrust Restraint Design and Construction Scope.

13A – 1001 This chapter of the specifications defines the placement and construction of thrust blocks. It also gives the mix design required for the Portland Cement Concrete required in the construction of the thrust blocks.

13A - 1002 Placement. Thrust blocks are required at points where the pipe changes direction such as: at all tees, elbows, wyes, caps, valves, hydrants, reducers, etc. Thrust blocks should be constructed so that the bearing surface is in direct line with the major force created by the pipe or fitting. The earth-bearing surface should be undisturbed.

13A – 1003 Concrete Mix Design. The Portland Cement Concrete mixture is five sacks of cement per cubic yard mix. The concrete mixture will have a minimum of 28-day compressive strength of 2,500 pounds per square inch.

13A – 1004 Thrust Restraint. Pipe and fittings are most often joined with push-on or mechanical joints. Neither of these joints provides significant restraint against longitudinal separation other than the friction between the gasket and the plain end of the pipe or fitting. Tests have shown that this frictional resistance in the joint is unpredictable, varying widely with installation conditions and other factors that are insignificant in other respects. Thus, these joints must be considered as offering no longitudinal restraint for design purposes.

At many locations in an underground or above ground pipeline, the configuration of the pipeline results in unbalanced forces of hydrostatic or hydrodynamic origin that, unless restrained externally, can result in separation of joints.

Generally, these unbalanced hydrostatic and hydrodynamic forces are called THRUST FORCES. In the range of pressures and fluid velocities found in waterworks or wastewater piping, the hydrodynamic thrust forces are generally insignificant in relation to the hydrostatic thrust forces and are usually ignored. Simply stated, thrust forces occur at any point in the piping system where the direction or cross sectional area of the waterway changes. Thus, there will be thrust forces at bends, reducers, offsets, tees, wyes, dead ends, and valves.

Balancing thrust forces in underground pipelines is usually accomplished with bearing or gravity thrust blocks. Presented herein is a general discussion of the nature of thrust forces as well as suggested approaches to the design of thrust block systems for balancing these forces. The suggested design approaches are conservatively based on accepted principles of soil mechanics.

THE THRUST FORCE

The internal hydrostatic pressure acts perpendicularly on any plane with a force equal to the pressure (P) times the area (1) of the plane. All components of these forces acting radially within a pipe are balanced by circumferential tension in the wall of the pipe. Axial components acting on a plane perpendicular to the pipe through a straight section of the pipe are balanced internally by the force acting on each side of the plane. See figure 16-2. Consider, however, the case of a bed as shown in Figure 16-3.

The forces PA acting axially along each leg of the bend are not balanced. The vector sum of these forces is shown as T. This is the thrust force. In order to prevent separation of the joints a reaction equal to and in the opposite direction of T must be established.

Figure 16-4 depicts the net thrust force at various other configurations. In each case the expression for T can be derived by the vector addition of the axial forces.

DESIGN PRESSURE

The design pressure, P, is the maximum pressure to which the pipeline will be subjected, with consideration given to the vulnerability of the pipe-soil system when the pressure is expected to be applied. In most cases this will be the test pressure of the pipe, applied shortly after installation when the pipe-soil system is normally most vulnerable.

For buried pipelines, thrust restraint is achieved by transferring the thrust force to the soil structure outside the pipe. The objective of the design is to distribute the thrust forces to the soil structure in such a manner that joint separation will not occur in unrestrained joints.

THRUST BLOCKS

One of the most common methods of providing resistance to thrust forces is the use of thrust blocks. Figure 16-5 depicts a typical bearing thrust block on a horizontal bend. Resistance is provided by transferring the thrust force to the soil through the larger bearing area of the block such that the resultant pressure against the soil does not exceed the horizontal bearing strength of the soil. Design of thrust blocks consists of determining the appropriate bearing area of the block for a particular set of conditions. The parameters involved in the design include pipe size, design pressure, angle of the bend, (or configuration of the fitting involved), and the horizontal bearing strength of the soil.

<u>13A – 1005 General criteria for bearing block design.</u>

A. Bearing surface should, where possible, be placed against undisturbed soil.

Where it is not possible, the fill between the bearing surface and undisturbed soil must be compacted to at least 90% Standard Proctor density.

B. Block height (h) should be equal to or less than one-half the total depth to the bottom of the block, (H/T), but not less than the pipe diameter (D').

C. Block height (h) should be chosen such that the calculated block width (b) varies between one and two-time the height.

For a horizontal bend, where S/f is a safety factor (usually 1.5 for thrust block design). A similar approach may be used to design bearing blocks to resist the thrust forces at tees, dead ends, etc.

A designer might choose to use calculated ranking passive pressure (P/p) or other determination of soil bearing strength based on actual soil properties.

13A – 1006 Gravity Thrust Blocks may be used to resist thrust at vertical down bends. In a gravity block, the weight of the block is the force providing equilibrium with the thrust force. The design problem is then calculating the required volume of the thrust block of a known density. The vertical component of the thrust force is balanced by the weight of the block.

It can easily be shown that T/t = PA Sin 0. Then the required volume of the block is

$$V = \frac{S/f\ P\ A\ \text{Sin}\ 0}{G \qquad W/m}$$

where W/m = density of the block material. In a case such as shown, the horizontal component of the thrust force T/x = PA (1 - cos 0) must be resisted by the bearing of the right side of the block against the soil. Analysis of this aspect will follow as the above section on bearing blocks.

CHAPTER 13A – 1100 Testing of Pipelines, General. All waterlines shall be tested, flushed and disinfected as outlined in this section.

13A – 1101 Testing. Tests shall be made upon completion of system installation or any valved portion thereof. All tests shall be made at the expense of the contractor and in the presence of a Town Official prior to filling in trenches.

Lines shall be slowly filled with water, venting off all air. If required, taps shall be provided at line high points to bleed off the air, and after testing these shall be plugged. A minimum pressure fifty percent (50%) in excess of the maximum line operating pressure shall be maintained on the portion being tested for a minimum period of two hours, using either pneumatic or hydraulic means to maintain the pressure. Maximum leakage during the test shall not exceed one-half gallon per inch of diameter per 1000 feet of pipe. Suitable means shall be

provided by the contractor for determining the quantity of water lost by leakage under the test pressure. No pipe installation will be accepted without written approval until the leakage is less than allowable.

13A – 1102 Flushing. After pressure testing, all pipelines shall be flushed. Flushing shall be accomplished through hydrants or, if a hydrant does not exist at the end of the line, the contractor shall install a tap sufficient in size to provide for a 2.5 foot per second flushing velocity in the line. The following is the flow quantity required to provide a 2.5 foot per second flushing velocity in the line. The following is the flow quantity required to provide a 2.5 foot per second flushing velocity:

Pipe Size (in.)	Flow (gpm)
2	26
4	100
6	220
8	390
10	610
12	880

13A – 1103 Disinfection. After flushing, all culinary waterlines shall be disinfected by chlorination. Chlorination shall provide a minimum of 25 ppm residual after 24 hours contact in the pipeline. This may be expected with an application of 50 ppm, although some conditions may require more. Chlorine in the form of a one percent slurry of high-test calcium hypochlorite (HTH, Perchloron, Pittchlor, etc. which are 70 available chlorine by weight) shall be fed into the pipeline in such a manner as to mix with the water flowing in the pipeline. (A one percent slurring - 10,000 ppm - results from mixing one pound of calcium hypochlorine with 8.40 gallons of water.)
The following table provides information as to the required quantity of slurry to be used per 100 feet of pipe to provide a chlorine concentration of 50 ppm:

Pipe Size (in.)	Vol. Of 100 ft. Length (gal.)	Required Amount of Slurry/100 ft. of Pipe (gal.)
1 ½	9.18	0.07
2	16.32	0.12
2 ½	25.50	0.18
3	36.73	0.26
4	65.28	0.47
6	146.90	1.05
8	261.10	1.87
10	408.10	2.92
12	587.60	4.20

During the process of chlorinating the pipeline, all valves and other pipeline appurtenances shall be operated several times to provide sufficient contact with the chlorinating agent. Following chlorination, the waterline shall be drained and thoroughly flushed and, if necessary, re-chlorinated until a satisfactory bacteriological test is obtained.

CHAPTER 13A – 1200 Restoration of Surface Improvements. General.

13A – 1201 Restoration of Surface Improvements, General. The Contractor shall be responsible for the protection and the restoration or replacement of any improvements existing on public or private property at the start of work or placed there during the progress of the work.

Existing improvements shall include but are not limited to permanent surfacing, curbs, ditches, driveways, culverts, fences, and walls. All improvements shall be reconstructed in accordance with these specifications to equal or better, in all respects, the existing improvements removed.

13A – 1202 Bituminous Surface. Where trenches are excavated through bituminous surfaced roads, driveways, or parking areas, the surface shall be restored and maintained as follows:

A. A temporary gravel surface shall be placed and maintained after the required backfill and compaction of the trench has been accomplished.

B. The gravel shall be placed to such depth as to provide a minimum of six inches below the pavement and shall be brought flush with the paved surface.

C. The area over trenches to be resurfaced shall be graded and rolled with a roller weighing not less than 12 tons, or with the rear wheels of a five-yard truck loaded to capacity, until the subgrade is firm and unwelding. Mud or other spongy material shall be removed and the space filled with gravel and rolled and tamped thoroughly in layers not exceeding six inches in thickness. The edges of trenches which are broken down during the making of the subgrade shall be removed and trimmed neatly before resurfacing.

D. Before any permanent resurfacing is placed, the contractor shall trim or cut the existing paving to clean, straight lines as nearly parallel to the center line of the trench as practicable.

E. Existing bituminous paving shall be cut back a minimum of six inches beyond the limits of any excavation or cave-in along the trench so that the edges of the new paving will rest on at least six inches of undisturbed soil.

F. As soon as is practical, weather permitting, the bituminous surface shall be restored in accordance with these specifications.

G. Pavement restoration shall include priming of pavement edges and sub-base with Type MC-70 bituminous material, and placing and rolling plant mix bituminous material to the level of the adjacent pavement surfaces.

13A – 1203 Concrete Surfaces. All concrete curbs, gutters, sidewalks and driveways shall be removed and replaced to the next joint or scoring lining beyond the actually damaged or broken sections; or in the event that joints or scoring lines do not exist or are three or more feet from the removed or damaged section, the damaged portions shall be removed and reconstructed to neat, plane faces. All new concrete shall match, as nearly as possible, the appearance of adjacent concrete improvements. Where necessary, lampblack or other pigments shall be added to the new concrete to obtain the desired results.

13A – 1204 Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by any court to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

13A – 1205 Effective Date. This ordinance shall become effective upon the posting or publication thereof in the manner provided by the laws of the State of Utah and the ordinances of this City.

13A - 1300 Dedication of Water for Development Purposes

A. As a condition to the approval of any subdivision or other development, the Town Council shall require each developer that has not received preliminary approval prior to the adoption hereof, to provide water rights to the Town as provided herein.

B. As a condition of the connection of any such development to the Town's water system a developer shall provide to the Town valid water rights approved by the Utah State Engineer in an amount sufficient to satisfy the water use requirements of any proposed development.

C. The water rights may be transferred to the Town by the assignment of shares in an irrigation company, so long as the irrigation company consents in writing to any change application required to use the water right represented by the shares related to the property proposed for development, in which case the Town shall become the owner of the shares.

D. A water right shall be conveyed by deed, in which case the Town shall become the owner of the water rights.

E. The transfer of all acquired water rights will be calculated by using the State of Utah Water Use Formula and the Town's Weighted Point System for Water Acquisition, which is attached hereto and included in this ordinance. The amount of acre-feet approved within the water rights will determine the total number of connections allowed for the development. The Town Council, Town Engineer, the Town Attorney and the developer will agree mutually on the number of connections to be provided to a developer prior to beginning the Water Rights Acquisition Protocol list.

F. The process for the transfer of water rights will be according to the following Water Rights Acquisition Protocol:

    1. The Town will provide the Town's Engineer with the water rights proposed to be exchanged.

2. The Town's Engineer will review the water rights and make a written recommendation as to whether or not the Town should acquire the same and on what terms and conditions.
3. The Developer will prepare a water use plan based on the developed acreage and total build out of the proposed subdivision including:
    a. All irrigated landscaped acres.
    b. Water use of all planned housing units.
    c. Water use of all other Buildings.
    d. Water use of any other type.
4. The Town's Engineer will send the written recommendation to the Town and/or the Town Attorney including the Weighted Point System evaluation for the Town Council.
5. The Town will evaluate the water rights for purchase and/or transfer considering all of the related information.
6. The Town Attorney will request a title report and title insurance if the decision is to purchase and/or transfer such water rights.
7. The Town Attorney will draft a purchase and/or transfer agreement for such purchase.
8. The Town Engineer will prepare change application (this may be prepared and filed with the state before the final agreement closes to start the time process running).
9. The Town Attorney will finalize any purchase and/or transfer agreement with all necessary signatures.
10. The Town Engineer and Town will actively pursue the change application with the state to expedite approval.
11. Approval or denial letters or problems will be sent to the Town from the state.
12. The Town will forward approval or denial letters to the Town Attorney and Town Engineer for review.
13. The Town, Town Attorney and the Town's Engineer will review approvals or denials of the State Division of Water Rights to determine if the state approval/denial is acceptable to the Town and to determine the next course of action for the Town.
14. Upon approval of the share transfers and or approval of the water right change application at the proper point of diversion at the sole discretion of the Town, the Town Attorney will contact the Town with payment or transfer approval/impact credits or a payment program according to the signed purchase and/or transfer agreement.
15. The Town Attorney will submit payment if applicable, execute transfers and retrieve any pertinent deeds.
16. The Town Attorney will forward the deed to the Town.
17. The Town will record the deed.
18. The Town will forward the recorded deed to the Town Engineer and Town Attorney.
19. The Town Engineer will prepare a Report of Conveyance (ROC).
20. The Town will file ROC with State.

21. The Town will put the acquired water to use.
22. The Town Engineer will prepare the Proof of Use.
23. The Town will file the Proof of Use with the State.
24. The Town will receive the certificate or certificates evidencing the acquired water rights.

G. The type of water rights proposed for conveyance to the Town shall be of a type which allow for municipal use within the Town, or, if not, the water rights must be of the type which can be amended to provide for municipal use in accordance with current Utah Code Statutes.

H. The developer shall be responsible for any and all costs associated with the transfer and water right change application by the Town.

I. The Town shall have the second right of refusal to purchase all water rights of the developer which have been used to irrigate real property in the proposed development and which may be in excess of those water shares required herein. The Town will be responsible for maintaining current dues, as a shareholder, and will be responsible for determining the point of diversion if necessary. All remaining shares will be retained by the owner and transferred to the Town at such time as the rest of the land is platted or developed.

J. If all avenues of acquiring water rights are exhausted at the sole discretion of the Town Council may waive the requirement for the acquisition of water rights as described above, and allow the developer to pay an amount equal in value for said water rights, provided the Town has sufficient water rights and an adequate water source to supply water to the proposed development. Water Right Impact Fees collected by the Town shall be earmarked for the purpose of obtaining additional water rights or developing existing water rights or water sources.

K. Severability Clause. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this ordinance.

(Added November 9, 2006)

CHAPTER 13B - 100 UTILITIES – AMERICAN TELEVENTURE CORPORATION

13B-100 The Town of Garden City, having determined that the financial, legal and technical ability of American Televenture Corporation is reasonably sufficient to provide services, facilities and equipment necessary to meet the future cable-related needs of the community, does hereby ordain as follows:

13B-101 Definition of Terms.

A. Terms. For the purpose of this Ordinance, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

1. Affiliate means an entity which owns or controls, is owned or controlled by, or is under common ownership with Grantee.

2. Basic Cable means any service tier which includes the retransmission of local signals required to be carried on the Cable system, for which Grantee charges the lowest monthly charge.

3. Cable Act means the Cable Communications Policy Act of 1984, as amended.

4. Cable Service means (i) the one-way transmission to subscribers of Video Programming or other programming service, and (ii) subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.

5. Cable System means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other communications equipment that is designed to provide Cable Service and other service to subscribers.

6. FCC means Federal Communications Commission, or successor governmental entity thereto.

7. Franchise shall mean the initial authorization, or renewal thereof, issued by the Franchising Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the Cable System for the purpose of offering Cable Service or other service to Subscribers.

8. Franchise Authority means the Town of Garden City, or the lawful successor, transferee or assignee thereof.

9. Grantee means American Televenture Corporation or the lawful successor, transferee or assignee thereof.

10. Gross Revenues means the monthly Cable Service revenues received by Grantee from Subscribers of the Cable System; provided, however, that such phrase shall not include revenues received from any national advertising carried on the Cable System, or those specifically excluded by Section 622(g)(2) of the Cable Act, as such existed as of the effective date thereof.

11. Person means an individual, partnership, association, joint stock company, trust corporation, or governmental entity.

12. Public Way shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way, including public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Franchise Authority within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Franchise Authority and the Grantee to the use thereof for the purposes of installing or transmitting Grantee's Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, compliances, attachment and other property as may be ordinarily necessary and pertinent to the Cable System.

13. Service Area means the present municipal boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means.

14. Service Tier means a category of Cable Service or other services, provided by Grantee and for which a separate charge is made by Grantee.

15. Subscriber means a person or user of the Cable System who lawfully receives Cable Services or other service therefrom with Grantee's express permission.

16. Video Programming means programming provided by or generally considered comparable to programming provided by, a television broadcast station.

13B-102 Grants of Franchise

A. Grant. The City hereby grants to Grantee a non-exclusive Franchise which authorizes the Grantee to construct and operate a Cable System and offer Cable Service and other services in, along, among, upon, across, above, over, under or in any manner connected with Public Ways within the Service Area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across or along any Public Way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, or other related property or equipment as may be necessary or appurtenant to the Cable System.

B. Term. The Franchise granted pursuant to this Ordinance shall be for an initial term of fifteen (15) years from the effective date of the Franchise as set forth in Section 2.3, unless otherwise lawfully terminated in accordance with the terms of this Ordinance.

C. Effective Date. Grantee shall file a written acceptance of the Franchise granted pursuant hereto with the City Clerk or other appropriate official or agency of the Franchising Authority within sixty (60) days after the passage and final adoption of this Ordinance. The Franchising authority shall notify Grantee of the date that the Ordinance is finally passed and adopted, as well as, the date by which a written acceptance is required to be filed. The effective date of this Ordinance shall be the date Grantee delivers its written acceptance, as required herein.

D. Favored Nations. In the event the Franchising Authority enters into a franchise, permit, license, authorization, or other agreement of any kind with any other person or entity other than the Grantee for the purpose of constructing or operating a Cable System or providing Cable Service to any part of the Franchise Area which contains terms more favorable to such person or entity in any regard than similar provisions of this Ordinance, then this ordinance shall be deemed amended as of the effective date of the other franchise, permit, license, authorization or other agreement, so as to give the Grantee the benefit of any such more favorable terms.

13B-103 Standards of Service

A. Conditions of Street Occupancy. All transmission and distribution structures, poles, other lines, and equipment installed or erected by the

Grantee pursuant to the terms hereof shall be so located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said Public Ways.

B. Restoration of Public Ways. If, during the course of Grantee's construction operation or maintenance of the Cable System, there occurs a disturbance of any Public Way by Grantee, it shall, at its expense, replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

C. Relocation at Request of Franchising Authority. Upon its receipt of reasonable advance notice, not to be less than two (2) business days, the Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the Public Way, or remove from the Public Way, any property of the Grantee when lawfully required by Franchising Authority by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by the Franchising Authority; but, the Grantee shall in all cases have the right of abandonment of its property. If public funds are available to any company using such street, easement or right of way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the Grantee.

D. Relocation at Request of Third Party. The Grantee shall, on the request of any person holding a building moving permit issued by the Franchising Authority, temporarily raise or lower its wires to permit the moving of such building, provided: 91) the expense of such temporary raising or lowering of wires is paid by said person, including, if required by the Grantee making such payment in advance; and (b) the Grantee is given not less than ten (10) business days advance written notice to arrange for such temporary wire changes.

E. Trimming of Trees and Shrubbery. The Grantee shall have the authority to trim trees and other natural growth overhanging any of its Cable System in the Service Area so as to prevent branches from coming in contact with the Grantees, wires, cables or other equipment. Grantee shall be permitted to charge persons who own, or are responsible for, such trees or natural growth for the cost of such trimming, provided that similar charges are assessed by and paid to the utilities or the Franchising Authority for tree trimming. The Grantee shall reasonably compensate the Franchising Authority or property owner for any damages caused by such trimming, or shall, in its sole discretion and at its own cost an expense, reasonably replace all trees or shrubs damaged as a result of any construction of the

System undertaken by Grantee. Such replacement shall satisfy any and all obligations Grantee may have to the Franchise Authority or property owner pursuant to the terms of this Section 13B-103-E.

F. Use of Grantee's Equipment by Franchising Authority. Subject to any applicable state of federal regulations or tariffs, the Franchising Authority shall have the right to make additional use, for any public purpose, of any poles or conduits controlled or maintained exclusively by or for the Grantee in any Public Way; provided that (a) such use by the Franchising Authority does not interfere with a current or future use by the Grantee; (b) the Franchising Authority holds the Grantee harmless against and from all claims, demands, costs, or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits, including, but not limited to, reasonable attorney's fees and costs; and (c) at Grantee's sole discretion, the Franchising Authority may be required either to pay a reasonable rental fee or otherwise reasonable compensate Grantee for the use of such poles, conduits, or equipment; provided, however, that Grantee agrees that such compensation or charge shall not exceed those paid by it to public utilities pursuant to the applicable pole attachment agreement, or other authorization relating to the Service Area.

G. Safety Requirements. Construction, installation and maintenance of the Cable Systems shall be performed in an orderly and workmanlike manner. All cables, wires and other equipment shall be installed, where possible, parallel with electric and telephone lines. All such work shall be performed in accordance with applicable safety code or technical requirements, including, but not limited to, National Electrical Safety Code (National Bureau of Standards); National Electrical Code (National Bureau of Fire Underwriters); and applicable FCC or other federal, state and local regulations. The Cable System shall not endanger or interfere with the safety of persons or property in the Service Area. In particular, Grantee shall substantially comply with all local, state or federal laws or regulations which govern cable plant signal leakage or interference with communications media. Any antenna structure used in the Cable System shall comply with all construction, marking and lighting of antenna structure requirements of the United States Department of Transportation (Federal Aviation Administration) and the FCC.

H. Aerial and Underground Construction. In those areas of the Service Area where all of the Transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate and maintain all of its transmission and distribution facilities underground; provided that such facilities are actually capable of receiving Grantee's cable and other equipment without technical degradation of the Cable System's signal quality. In those areas of the Service Area where the

transmission or distribution facilities of the respective public utilities providing telephone communications, and electric services are both aerial and underground, Grantee shall have the sole discretion to construct, operate and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing contained in this Section 13B-103-H shall require Grantee to construct, operate, and maintain underground any ground mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals, or other related equipment. Notwithstanding anything to the contrary contained in this Section 13B-103-H, in the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services replaced underground after the effective date of this Ordinance, Grantee shall only be required to construct, operate and maintain all of its transmission and distribution facilities underground if it is given reasonable notice and access to the public utilities' facilities at the time that such are placed underground.

I. Required Extensions of Service. The Cable System as presently constructed is hereby approved as to extent of Service Area; Grantee is hereby authorized to extend the Cable System as necessary, as desirable, or required pursuant to the terms hereof within the Service Area. Whenever Grantee shall receive a request for service from at least fifteen (15) Subscribers within 1320 cable bearing strand feet (one-quarter cable mile) of its trunk cable, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for system extension, other than the usual connection fees for all Subscribers; provided that such extension is technically feasible, and if it will not adversely affect the operation, financial condition or market development of the Cable System.

J. Subscriber Charges for Extensions of Service. No Subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as requirements for underground cable or where there is more than one hundred fifty (150) feet of distance from distribution cable to connection of service to Subscribers or a density of less than fifteen Subscribers per 1320 cable bearing strand feet of trunk or distribution, cable, in order that existing Subscribers shall not be unfairly burdened, service may be made available on the basis of a capital contribution in aid of construction including cost of material, labor and easements.

K. Service to Public Buildings. The Grantee shall provide, without charge, one (1) outlet of Basic Service to each governmental office building, fire station, police station, and public school building that is passed by its Cable System. The outlets of Basic Service shall not be used to distribute or sell Cable Services in or throughout such buildings; nor shall such outlets be located in common or public areas open to the public. Users of

such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability. Notwithstanding anything to the contrary set forth in this Section 13B-103-K, the Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to said buildings or premises exceeds 45.75 cable meters (150 cable feet) unless it is technically feasible and if it will not adversely affect the operation, financial condition or market development of the Cable System to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet. In the event that additional outlets of Basic Service are provided to such building, the building owner shall pay the usual installation and service fees associated therewith.

L. Emergency Override. In the case of any emergency or disaster, the Grantee shall, upon request of the Franchising Authority, make available its facilities for the Franchising Authority to provide emergency information and instructions during the emergency or disaster period. The Franchising Authority shall hold the Grantee, its agents, employees, officers, and assigns hereunder harmless from any claims arising out of the emergency use of its facilities by the Franchising Authority, including, but not limited to, reasonable attorney's fees and costs.

13B-104 Regulation by Franchise Authority

A. Franchise Fee. Grantee shall pay to the Franchising Authority a franchisee fee equal to three percent (3%) of Gross Revenues received by Grantee from the operation of the Cable System on an annual basis. For the purpose of this section, the twelve (12) month period applicable under the Franchise for the computation of the franchise fee shall be a calendar year, unless otherwise agreed to in writing by the Franchising Authority and Grantee. The franchise fee payment shall be due and payable ninety (90) days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report from a representative of Grantee showing the basis for the computation. In no event, shall the franchise fee payments required to be paid by Grantee exceed three percent(3%)of Gross Revenues received by Grantee in any twelve(12)month period.

B. Rates and Charges. The Franchising Authority may not regulate the rates for the provision of Cable Service and other service, including, but not limited to, ancillary charges relating thereto, except to the extent expressly provided herein. The rates and charges collect by Grantee for Basic Service are those set forth on Schedule 1 hereto which is incorporated herein by this reference. From time to time, and at any time, Grantee may change such rates and charges for Basic Service, including, but not limited to, the implementation of additional charges and rates for Basic Service;

provided, however, that Grantee shall give notice to the Franchising Authority of any such changes or additional charges thirty (30) days prior to the effective date thereof.

C. Rates and Charges. The Franchising Authority may not regulate the rates for the provision of Cable Service and other service, including, but not limited to, ancillary charges relating thereto, except to the extend expressly provided herein. The rates and charges collected by Grantee for Basic Service are those set forth on Schedule 1 hereto which is incorporated herein by this reference. From time to time, and at any time, Grantee may change such rates and charges for Basic Service, including, but not limited to, the implementation of additional charges and rates for Basic Service; provided, however, that Grantee shall give notice to the Franchising Authority of any such changes or additional charges thirty (30) days prior to the effective date thereof.

D. Renewal of Franchise. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act (as such existed as of the effective date of the Cable Act), unless the procedures and substantive projections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of federal or state law.

In addition to the procedures set forth in said Section 626(a), the Franchising Authority agrees to notify Grantee of its preliminary assessments regarding the identity of future cable related community needs and interests, as well as, the past performance of Grantee under the then current Franchise term. The Franchising Authority further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four (4) month period referred to in Subsection (c) of Section 626 is considered to begin. Notwithstanding anything to the contrary set forth in this Section 13B-104-D, the Grantee and Franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the Franchising Authority and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof. The Grantee and the Franchising Authority consider the terms set forth in this section to be consistent with the express provisions of Section 626 of the Cable Act. A reproduction of Section 626 of the Cable Act as such existed as of the effective date of the Cable Act is attached hereto as Schedule 2 and incorporated herein by this reference.

E. Conditions of Sale. If a renewal of Grantee's Franchise is denied and the

Franchising Authority either acquires ownership of the Cable System or by its actions effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at a fair market value, determined on the basis of Cable System valued as a going concern, but with no value allocated to the Franchise itself.

If Grantee's Franchise is revoked for cause and the Franchising Authority acquires ownership of the Cable System or by its actions effects a transfer of ownership of the Cable System to another person, any such acquisition or transfer shall be at an equitable price. Grantee and Franchising Authority agree that in the case of revocation, at Grantee's request, which shall be made in its sole discretion, Grantee shall be given a reasonable opportunity to effectuate a transfer of its Cable System to a qualified third party at fair market value, determined on the basis of the Cable System valued as an ongoing concern. The Franchising Authority further agrees that during such a period of time, it shall authorize the Grantee to continue to operate pursuant to the terms of its prior Franchise; however, in no event shall such authorization exceed a period of time greater than six (6) months from the effective date of such revocation. If, at the end of that time, Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable authority, Grantee and Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law; it being further agreed that Grantee's continued operation of its Cable System during the six (6) month period shall not be deemed to be a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee. Notwithstanding anything to the contrary set forth in Section 13B-104-E, neither Franchising Authority nor Grantee shall be required to violate federal or state law.

F. Transfer of Franchise. Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an Affiliate, without the prior consent to the Franchising Authority, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Grantee in the Franchise or Cable System in order to secure indebtedness.

13B-105 Compliance and Monitoring

A. Testing for Compliance. The Franchising Authority may perform technical tests of the Cable System during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the Grantee or the Cable System in order to determine whether or not the Grantee is in compliance with the terms hereof and applicable state or federal laws. Except in emergency circumstances, such tests may be undertaken only after giving Grantee reasonable notice

thereof, not to be less than two (2) business days, and providing a representative of Grantee an opportunity to be present during such tests. In the event that such testing demonstrates that the Grantee has substantially filed to comply with a material requirement hereof, the reasonable costs of such tests shall be borne by the Grantee. In the event that such testing demonstrates that Grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by the Franchising Authority. Except in emergency circumstances, the Franchising Authority agrees that such testing shall be undertaken no more than six (6) times a year in the aggregate, and that the results thereof shall be made available to the Grantee upon Grantee's request.

B. Books and Records. The Grantee agrees that the Franchising Authority may review such of its books and records as are reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by the Grantee pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Franchising Authority agrees to treat any information disclosed by the Grantee to it on a confidential basis, and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof.

C. Periodic Review. Beginning three (3) years after the effective date of the Franchise, and every three (3) years thereafter, the Franchising authority may on its own initiative, and shall at the request of the Grantee, schedule a public meeting for the purpose of identifying the cable-related community needs and interests and reviewing the performance of the Grantee under the Franchise. The Franchising authority shall notify Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard. The public shall be afforded appropriate notice and opportunity for comment. Within four (4) months of such meeting, the Franchising Authority shall provide Grantee with a written copy of its findings.

13B-106 Insurance, Indemnification, and Bonds or Other Surety

A. Insurance Requirements. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the Franchise, General Comprehensive Liability Insurance in the amount of $100,000 for bodily injuries, (including accidental death) to any one person, and subject to the same limit for each person in amount not less than $100,000 on account of any one occurrence, and Property Damage Liability Insurance in an amount not less than $50,000 resulting from any one occurrence. Said insurance shall designate the Franchising Authority as an additional

named insured. Such insurance shall be noncancellable except upon sixty (60) days prior written notice to the Franchising Authority.

B. Indemnification. The Grantee agrees to indemnify, save and hold harmless and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury, (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System, including, but not limited to, reasonable attorney's fees and costs.

13B-107 Enforcement and Termination of Franchise

A. Notice of Violation. In the event that the Franchising Authority believes that the Grantee has not complied with the terms of the Franchise, it shall notify Grantee of the exact nature of the alleged non-compliance.

B. Grantee's Right to Cure or Respond. Grantee shall have fourteen (14) days from receipt of the notice described in Section 13B-107-A to (a) respond to the Franchising Authority contesting the assertion of non-compliance, or (b) to cure such default or, in the event that, by the nature of default, such default cannot be cured within the fourteen (14) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

C. Public Hearing. In the event that Grantee fails to respond to the notice described in Section 13B-107-A pursuant to the procedures set forth in Section 13B-107-B, or in the event that the alleged default is not remedied within forty-five (45) days after the Grantee is notified of the alleged default pursuant to Section 13B-107-A, the Franchising Authority shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the Franchising Authority which is scheduled at a time which is no less than five (5) business days therefrom. The Franchising Authority shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard.

D. Enforcement. Subject to applicable federal and state law, in the event the Franchising Authority, after such meeting, determines that Grantee is in default of any provision of the Franchise, the Franchising authority may:

1. Foreclose on all or any part of any security provided under this Franchise, if any, including, without limitation, any bonds or other surety; provided, however, the foreclosure shall only be in such a manner and in such an amount as the Franchising authority

reasonably determines necessary to remedy the default;

2. Commence an action at law for monetary damages or seek other equitable relief;

3. In the case of a substantial default of a material provision of the Franchise, declare the Franchise Agreement to be revoked; or

4. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages.

The Grantee shall not be relieved of any of its obligations to comply promptly with any provision of the Franchise by reason of any failure of the Franchising authority to enforce prompt compliance.

E. Acts of God. The Grantee shall not be held in default or non-compliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating thereto, where such non-compliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.

13B-108 Unauthorized Reception

A. Misdemeanor. In addition to those criminal and civil remedies provided by state and federal law, it shall be a misdemeanor for any person, firm, or corporation to create or make use of any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the Cable system without the express consent of the Grantee. Further, without the express consent of Grantee, it shall be a misdemeanor for any person to tamper with, remove or injure any property, equipment or part of the Cable System or any means of receiving Cable Service or other services provided thereto. Subject to applicable federal and state law, the Franchising Authority shall incorporate into its criminal code, if not presently a part thereof, criminal misdemeanor law which will enforce the intent of the Section 8.1.

13B-109 Miscellaneous Provisions

A. Documents Incorporated and Made a Part Hereof. The following documents shall be incorporated herein by this reference, and in the case of a conflict or ambiguity between them, the document of latest date shall govern:

1. Any proposal submitted by Grantee pursuant to a franchise renewal procedure, as amended and supplemented during the Franchise renewal negotiation process;

2. Any enabling ordinance in existence as of the date hereof; and

3. Any franchise agreement between Grantee and Franchising Authority reflecting the renewal of the Franchise, if any.

B. Preemption. If the FCC, or any other federal of state body of agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the Franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by the Franchising Authority, the jurisdiction of the Franchising Authority shall cease and no longer exist.

C. Actions of Franchising Authority. In any action by the Franchising Authority or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

D. Notice. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the Franchising Authority or Grantee shall be in writing, and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U.S. Postal Service. The notices or responses to the Franchising Authority shall be addressed as follows: Town of Garden City, P.O. Box 207, Garden City, Utah 84028; with a copy to: Bryce R. Nielson, Mayor. The notice or responses to the Grantee shall be addressed as follows: American Televenture Corporation, R.R. 1 Box 69A, Fairview, Utah 84629. The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other.

E. Descriptive Headings. The Captions to Sections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

F. Severability. If any Section, sentence, paragraph, term or provision hereof is determined to be illegal, invalid or unconstitutional, by any court or common jurisdiction or by any state or federal regulator authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

F. Addition of Channels. For the addition of any channels, the Town Council of

Garden City, Utah must be notified and approved by said Council.

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TITLE 14 IMPACT FEES

14-100 Municipal Fees

14-100A . This Impact Fee Ordinance establishes the City's Culinary Water Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to Culinary Water Impact Fees and conforms to the requirements of the Utah Impact Fees Act (11-36a, the Act). This Ordinance supersedes, to the extent of any inconsistency, any prior ordinances related to Culinary Water Impact Fees within the Service Area; provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing Impact Fees. This Ordinance does not replace, supersede, or modify any ordinance regarding Impact Fees unrelated to Culinary Water.

1. Definitions:
    a. "City", means a political subdivision of the State of Utah and is referred to herein as Garden City.
    b. "ERC", means equivalent residential connection and represents the base unit of demand for the Culinary Water Impact Fee Analysis.
    c. "System Improvement", refer both to existing Public Facilities designed to provide services within the Service Area and to future Public Facilities identified to the Culinary Water IFA adopted by the City that are intended to provide service to the Service Area. "System Improvements" do not include "Project Improvements" as defined above.

2. Ordinance Provisions:
    a. Adjustments. The standard Impact Fee may be adjusted at the time the fee is assessed due to inflation and/or in response to unusual circumstances, to fairly allocate costs associated with impacts created by a Development Activity or project, or due to a request for a prompt and individualized impact fee review for the development activity of the state or a school district or charter school and an offset or credit for public facility for which an impact fee has been or will be collected. The standard Impact Fee may also be adjusted to ensure that Impact Fees are imposed fairly or for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The

Impact Fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

b. Developer Credits. Development Activity may be allowed a credit against Impact Fees for any dedication of land for a System Improvement, any building and dedication of some or all of a System Improvement, any dedication of a Public Facility that the City and the developer agree will reduce the need for a System Improvement, or a dedication of land for, improvement to or new construction of any System Improvement by the developer if the facilities are System Improvements or are dedicated to the public and offset the need for an identified System Improvement, provided that the Development Activity is (i) identified in the City's Impact Fee Analysis and (ii) required by the City as a condition of Development Approval. Otherwise, no credit may be given.

c. Effective Date. Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced herein. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance. This Ordinance shall take effect 90-days after posting, as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

d. Exemptions. The City may provide an impact fee exemption for development activity attributable to, the state, a school district, a charter school, or other development activity with a broad public purpose. The City shall establish one or more sources of funds other than impact fees to pay for exempted development activity.

e. Impact Fee Schedule. The City hereby adopts the Impact Fee for Culinary Water as set by resolution.

This Ordinance approved November 3, 2015.

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TITLE 15 – ENFORCEMENT

Chapter 15-100 Enforcement.

Chapter 15 -200 Adoption of Utah State Criminal Code and Penalties.

Chapters:

15-201	Adoption of Utah State Criminal Code.
15-202	Adoption of the Utah Code of Criminal Procedure.
15-203	Sentences Generally.
15-204	Designation of Offenses.
15-205	Misdemeanors Classified.
15-206	Infractions.
15-207	Limitations.
15-208	Omissions not a Waiver.
15-209	Citation.
15-210	Rules of Construction.
15-211	Copies of Codes and Acts.
15-212	Sentences or Combinations of Sentences Allowed.
15-213	Fine Schedule

Chapter 15-201 Adoption of Utah State Criminal Code. The provisions of Utah Code Annotated Sections 76-1-101, et seq., as amended or hereafter amended, is hereby adopted as the Criminal Code of the Town of Garden City.

Chapter 15-202 Adoption of the Utah Code of Criminal Procedure. The provisions of the Utah Code of Criminal Procedure as set forth in Utah Code Annotated Sections 77-1-1, et seq., as amended or hereafter amended, is hereby adopted as the Code of Criminal Procedure of the Town of Garden City.

Chapter 15-203 Sentences generally.

A. A person adjudged guilty of an offense under this code of the ordinances of the municipality shall be sentenced in accordance with the provisions of this chapter.

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

Chapter 15-204 Designation of Offenses. Offenses are designated as misdemeanors or infractions.

Chapter 15-205 Misdemeanors Classified.

A. Misdemeanors are classified into two categories:
   1. Class B Misdemeanors.
   2. Class C Misdemeanors.

B. Any offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or in an ordinance of the municipality, when no other specification as to punishment or category is made, is a class B misdemeanor.

Chapter 15-206 Infractions.

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

Chapter 15-207 Limitations. Each of the Code and Acts adopted herein are hereby adopted as if fully set forth at length, provided however, that any provision which is classified as a felony or a Class A misdemeanor or which is unenforceable by the Town of Garden city under the laws of the State of Utah, is excluded.

Chapter 15-208 Omissions not a Waiver. The omissions to specify or enumerate in this Ordinance those provisions of general criminal law and offenses applicable to all cities and towns shall not be construed as a waiver of the benefits and enforcement of any such provisions.

Chapter 15-209 Citation. For purposes of referring or citing to provisions of the Codes and Acts adopted herein, the specific provisions of the Code or Act shall be cited by number preceded by TGC, for example TGC76-1-101.

Chapter 15-210 Rules of Construction. Insofar as possible, the provisions of this Title, Code and Acts adopted herein shall be construed in a manner to ensure the enforcement of the criminal laws of the State of Utah. In the event any provisions are inconsistent, the inconsistency shall be resolved as follows:

A. Any provision of this title which was at one time, but is not now, consistent with the Codes and Acts adopted herein shall be controlled by the law as it is reflected in the most recent of the Code or Act, as amended

B. Any provision of this Title which deals with the particular local needs, Ordinances and policies of the Town of Garden City and is otherwise lawful shall control.

Chapter 15-211 Copies of Codes and Acts. Copies of each of the Code and Acts adopted herein shall be available in the Town Recorder's Office for use and examination by the public.

Chapter 15-212 Sentences or Combinations of Sentences Allowed. Within the limits prescribed by this Code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences.

A. To pay a fine, or
B. To probation; or
C. To a work order sentence; or
D. To imprisonment. (Infractions are not punishable by imprisonment.)

Chapter 15-213 Fine Schedule. Fines and sentences of this Title shall be assessed in accordance with the Uniform Bail and Fine Schedule as adopted and amended by the Judicial Council.
(New ordinance, approved April 12, 2007)

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