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TITLE 1. CODE AND OFFICES

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CHAPTER 1. CITY CODE

1-1-1. Title.
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1-1-1. Title.

The Codification of the Ordinances of Tooele City shall be known as the "Tooele City Code." The Code shall be divided into Titles, Chapters and Sections and reference thereto shall be made in that order. (Ord. 87-24, 01-02-88)

1-1-2. Acceptance.

This city code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect. (Ord. 67-3, 08-14-67)

1-1-3. Amendments.

All ordinances amending the Tooele City Code shall include the citation reference to Title, Chapter and Section being added, repealed or otherwise amended. Such reference shall satisfy all statutory or common law requirements of adoption by ordinance, as long as the said amendment is adopted by ordinance. All such amendments shall be drafted in such form as they will appear in the Tooele City Code, and shall be prepared for insertion within the volumes of the Tooele City Code within 30 days of its final passage. (Ord. 87-24, 01-02-88; Ord. 76-4, 02-09-76)

1-1-4. Construction of words.

Whenever any word in any section of this City Code importing the plural number is used, in describing or referring to any matters, parties, or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties, persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto. (Ord. 67-3, 08-14-67)

1-1-5. Interpretations.

In the determination of the provisions of each section of this Code the following rules shall be observed:

(1) Intent to Defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

(2) Liability of Employers and Agents: When the provisions of any section of this City Code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth. (Ord. 67-3, 08-14-67)

1-1-6. Pagination.

All pages in addition to those occurring in the Tooele City Code prior to amendment shall be numbered consecutively using a decimal system to designate the additional pages, beyond the page where the additional pages are inserted, with the principal number being the number of the previous page, and the additional pages being numbered with decimals commencing with the number 0.1 and running in sequence to the furthest number necessary. For example, if following page 25, forty five additional pages were added by amendment to the Tooele City Code, the first additional page would be designated page 25.1 and the last additional page would

be number 25.45. (Ord. 87-24, 01-02-88; Ord. 76-4, 02-09-76)

1-1-7. Enacting ordinance reference number and date to be indicated.

Whenever the Tooele City Code shall be amended by ordinance, the reference number of the amending ordinance and the date of its passage shall be provided in parenthesis following the ordinance amendment. Such reference data shall serve as legislative history only. (Ord. 87-24, 01-02-88; Ord. 76-4, 02-09-76)

1-1-8. Reference to date of insertion of additional pages.

All additional pages inserted into the Tooele City Code shall include, in addition to the pagination requirements of section six of this title and chapter, a reference in parenthesis at the bottom of the page to the date the said sheets are prepared for insertion into the said Tooele City Code. (Ord. 87-24, 01-02-88; Ord. 76-4, 02-09-76)

1-1-9. Effective date.

The Tooele City Code shall become effective on July 4, 1976. (Ord. 87-24, 01-02-88; Ord. 76-4, 02-09-76)

1-1-10. Applicability and offenses prior to effective date.

(1) The provisions of this Code shall govern the construction of, the punishment for, and defenses against any offense defined in this Code, or except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.

(2) Any offense committed prior to the effective date of this Code shall be governed by the law existing at the time of commission thereof, except that a defense or limitation on punishment available under this Code shall be available to any defendant tried or retried after the effective date. An offense under the laws of this City shall be deemed to have been committed prior to the effective date of this Code if any of the elements of the offense occurred prior thereto. (Ord. 76-4, 02-09-76)

1-1-11. Rule of strict construction not applicable.

The rule that a penal statute is to be strictly construed shall not apply to this Code, any of its provisions, or any offense defined by the laws of this City. All provisions of this Code and offenses defined by the laws of this City shall be construed according to the fair import of their terms to promote justice and to effect the objects of the law. (Ord. 76-4; 02-09-76)

1-1-12. Severability.

Should any phrase, sentence, section or chapter of this Tooele City Code be determined to be invalid for any reason by any court of competent jurisdiction wherein the validity of the said phrase, sentence, section or chapter was at issue, the invalidity of said provision shall not affect the balance of this Tooele City Code and said provision shall be considered severable from the balance to the extent the meaning and clear intent of the balance of this Code is not affected. (Ord. 87-24, 01-02-88; Ord. 76-4, 02-09-76)

CHAPTER 2. SAVING CLAUSE

1-2-1. Repeal of general ordinances.
1-2-2. Public utility ordinances.
1-2-3. Court proceedings.

1-2-1. Repeal of general ordinances.

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not hereby repealed; tax levy ordinances; appropriation ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations, contract ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to election; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (Ord. 67-3, 08-14-67)

1-2-2. Public utility ordinances.

No ordinances relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect of such provisions only. (Ord. 67-3, 08-14-67)

1-2-3. Court proceedings.

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so commiteed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this or the preceding Section shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (Ord. 67-3, 08-14-67)

CHAPTER 3. DEFINITIONS

1-3-1. Definitions, general.

1-3-1. Definitions, general.

Whenever the following words or terms are used in this Code they shall have the meaning herein ascribed to them, unless the content makes such meaning repugnant thereto, and unless otherwise more specifically defined elsewhere in this Code:

AGENT: The word "Agent" as used in this Code shall mean a person acting on behalf of another.

CITY: The word "City" as used in this Code shall mean the City of Tooele.

CODE: The word "Code" unless otherwise specifically stated, shall mean the Tooele City Code.

EMPLOYEES: Whenever reference is made in this Code to a City employee by title, this shall be construed as though followed by the words, "of the City of Tooele," and shall include authorized designees of the referenced employee.

FEE: The word "Fee" as used in this Code shall mean a sum of money charged by the City for the City services rendered or for activities regulated.

KNOWINGLY: The word "Knowingly" imports only a knowledge that the fact exists which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

LICENSE: The word "License" as used in this Code shall mean the permission granted for the carrying on of a business, profession, or occupation.

MISDEMEANOR: The word "Misdemeanor" shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony and a greater offense than an infraction, both as defined by State law.

NEGLIGENT: The word "Negligent", as well as "Neglect", Negligence", and "Negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent person ordinarily bestows in acting in his or her own concern.

OCCUPANT: The word "Occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: The word "Offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words of the City of Tooele, and shall include authorized designees of the referenced officer.

OPERATOR: The word "Operator" as used in this Code shall mean the person who is in charge of any operation, business, or profession.

OWNER: The word "Owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant, or lessee of the whole or of a part of such building or land.

PERSON: The word "Person" shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, partnership, or any other form of association or organization.

PERSONAL PROPERTY: The term "Personal Property" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right, or title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished and every right or interest therein.

RETAILER: The word "Retailer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in small quantities directly to the consumer.

STREET: The word "Street" shall include alleys, lanes, courts, boulevards, public ways, roads and road rights-of-way, public squares, public places, and sidewalks.

TENANT: The word "Tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

WHOLESALER: The word "Wholesaler" and "Wholesale Dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale or retail sales.

WILFULLY: The term "Wilfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

(Ord. 2014-17, 11-05-2014) (Ord. 2004-15, 10-20-2004) (Ord. 1997-14, 03-19-1997) (Ord. 1987-24, 01-02-1988) (Ord. 1978-17, 07-13-1978) (Ord. 1976-26, 11-11-1976) (Ord. 1967-3, 08-14-1967)

CHAPTER 4. PUNISHMENTS

1-4-1. Application - Separate offenses for each day of violation.
1-4-2. Classification of offense.
1-4-3. Penalties.
1-4-4. Labor in case of default - Incarceration in lieu of fine or labor. (Repealed.)
1-4-5. Revocation of licenses upon conviction.
1-4-6. Liability of officers.
1-4-7. Indigent defense.

1-4-1. Application - Separate offenses for each day of violation.

(1) Whenever acting or failing to act constitutes a violation of any section or provision of this Tooele City Code, and no classification of offense, fine, or sentence is specifically found to apply to the violation, the provisions of this Chapter shall apply.

(2) Each 24-hour period in which a violation of any section or provision of this Code occurs shall constitute a separate offense.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-2. Classification of offense.

An offense designated as a misdemeanor in this Code or in another law, without specification as to punishment or category, is a class B misdemeanor. Any offense which is an infraction within this Code is expressly designated as such.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-3. Penalties.

(1) A person who has been convicted of a misdemeanor under this Code may be sentenced to imprisonment as follows:

(a) in the case of a class B misdemeanor, for a term not exceeding 6 months;

(b) in the case of a class C misdemeanor, for a term not exceeding 90 days.

(2) A person convicted of an offense may be sentenced to pay a fine, not exceeding:

(a) $1,000 when the conviction is for a class B misdemeanor, plus applicable state surcharges;

(b) $750 when the conviction is for a class C misdemeanor or infraction, plus applicable state surcharges.

(3) Subsection (2) does not apply to a corporation, association, partnership, government, governmental instrumentality, or other business entity.

(4) The sentence to pay a fine, when imposed upon a corporation, association, partnership, government, governmental instrumentality, or other business entity for an offense defined in this Code shall be to pay an amount, fixed by the court, not exceeding:

(a) $5,000 when the conviction is for a class B misdemeanor, plus applicable state surcharges;

(b) $1,000 when the conviction is for a class C misdemeanor or for an infraction, plus applicable state surcharges.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-4. Labor in case of default - Incarceration in lieu of fine or labor. (Repealed.)

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-5. Revocation of licenses upon conviction.

Any person found guilty of violating any provision of this Code, when the violation necessarily includes the violation of the terms of any license or permit issued to the person by Tooele City, shall be subject to revocation of the license or permit upon a hearing held pursuant to the procedures of Chapter 5-1 and Chapter 1-28, as applicable.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-6. Liability of officers and employees.

No provision of this City Code designating the duties of any city officer or employee shall be so construed as to make the officer or employee liable for any fine or penalty provided under this Code for a failure to perform such a duty, unless the intention of the City Council to impose a fine or penalty on the officer or employee is specifically and clearly expressed in the Code provision creating the duty.

(Ord. 2017-06, 02-15-2017) (Ord. 1994-54, 11-08-1994)

1-4-7. Indigent defense.

When a penalty for a violation of the City Code includes any possibility of imprisonment, Tooele City will provide legal counsel to an indigent accused as required by the United States Constitution, the Utah Constitution, and the Utah Code.

(Ord. 2018-10, 07-18-2018)

CHAPTER 5. CITY COUNCIL

1-5-1. Definitions.
1-5-2. City council as governing body.
1-5-3. Chairperson.
1-5-4. Regular meetings - Special meetings.
1-5-5. Meetings open to the public - Exceptions.
1-5-6. Public notice of meetings; emergency meetings.
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1-5-7. Minutes of open and closed meetings - Public records - Recording of meetings - Approval of Minutes
1-5-8. Achieving a quorum - Voting.
1-5-9. Reconsideration.
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1-5-12. Councilmembers not to hold created office.
1-5-13. Rules.
1-5-14. Disciplinary Powers
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1-5-1. Definitions.

As used in this chapter:

(1) "Meeting" means the convening of the Tooele City Council, with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing or acting upon a matter over which the council has jurisdiction or advisory power.

(2) "Convening" means the calling of a meeting of the city council by the council chairperson, the mayor or any three members of the council, for the express purpose of discussing or acting upon a subject over which the council has jurisdiction.

(3) "Quorum" means three or more members of the council.

(Ord. 1994-12, 03-22-1994)

1-5-2. City council as governing body.

The governing body of Tooele City is a council composed of five people elected at large in the manner and for the terms prescribed by law. The city council shall exercise the legislative powers of the city.

(Ord. 1994-12, 03-22-1994)

1-5-3. Chairperson.

The city council shall, by order entered in the minutes, select one of their number to act as chairperson. Pending selection of a chairperson, the city recorder shall preside for the sole purpose of the chairperson selection.

(Ord. 1994-12, 03-22-1994)

1-5-4. Regular meetings - Special meetings.

(1) The city council shall hold at least one public meeting each month. The date, time and place of such meetings shall be set by ordinance.

(2) Special meetings may be called by the council chairperson or any three council members, provided that at least 24 hours notice is given by the city recorder to each councilmember. No business shall be transacted at any special meeting except that stated in the noticed agenda.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

1-5-5. Meetings open to the public - Exceptions.

(1) Every meeting of the city council is open to the public unless closed pursuant to Subsections (2) and (3).

(2) A closed meeting may be held upon the affirmative vote of a quorum present at an open meeting for which notice is given pursuant to Section 1-5-6. No closed meeting is allowed except as to matters declared in Subsection (3); provided, 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 such a meeting, cast by each member by name shall be entered on the minutes of the meeting. Nothing in this chapter shall be construed to require any meeting to be closed to the public.

(3) A closed meeting may be held for any purposes allowed by Utah law, including the following:

(a) discussion of the character, professional competence, or physical or mental health of an individual;

(b) strategy sessions with respect to collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange, lease, or sale of real property, including water rights;

(c) discussion regarding deployment of security personnel, systems, or devices;

(d) investigative proceedings regarding allegations of criminal misconduct.

(4) This chapter shall not apply to any chance meeting or social meeting. No chance meeting or social meeting shall be used to circumvent this Chapter.

(Ord. 2012-11, 04-04-2012 (Ord. 1994-12, 03-22-1994)

1-5-6. Public notice of meetings; emergency meetings.

(1) The city council shall give public notice at least once each year of its annual meeting schedule as provided in this section. The public notice shall specify the date, time, and place of such meetings.

(2) In addition to the notice requirements of Subsection (1), the council shall give not less than 24 hours' public notice of the agenda, date, time and place of each of its meetings.

(3) Public notice shall be satisfied by:

(a) posting written notice at Tooele City Hall;

(b) providing notice to

(i) at least one newspaper of general circulation within Tooele City, or

(ii) a local media correspondent; and,

(c) posting written notice on the Utah Public Notice Website.

(4) When because of unforeseen circumstances it is

necessary for the council to hold an emergency meeting to consider matters of an emergency or urgent nature, the notice requirements of Subsection (2) may be disregarded and the best notice practicable given. No such emergency meeting of the council shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting.
(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

1-5-6.5. Electronic meetings.

(1) Pursuant to the authority of the Tooele City Charter and the Utah Code, the Tooele City Council may convene and conduct electronic meetings, as defined in the Utah Open and Public Meetings Act, in accordance with this Section.

(2) The anchor location for an electronic meeting shall be Tooele City Hall.

(3) The City Recorder and at least one City Council member shall attend an electronic meeting at the anchor location.

(4) To schedule an electronic meeting, a member of the City Council shall make a request to the Council Chairperson for the meeting at least three days before the meeting, except as provided in Section 1-5-6 for emergency meetings.

(5) Notice of an electronic meeting shall be given to all members of the City Council at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present. The notice shall include a description of how the City Council members will be connected to the electronic meeting.

(6) A quorum of the City Council must be present, in person or via electronic means, to convene the meeting, and shall indicate their presence with a City Council member roll call. The roll call shall indicate which City Council members are attending electronically.

(7) The City Council shall provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting.

(8) If comments from the public will be accepted during the electronic meeting, the City Council shall provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(9) Compliance with the provisions of this Section by the City Council shall constitute full and complete compliance by the City Council with the corresponding provisions of the Utah Open and Public Meetings Act.

(10) Public notice of an electronic meeting shall be given:

(a) in accordance with UCA Section 52-4-202; and,

(b) by posting written notice at the anchor location.

(Ord. 2020-16, 03-18-2020)

1-5-7. Minutes of open and closed meetings - Public records - Recording of meetings - Approval of minutes.

(1) Written minutes shall be kept of all open meetings. Such minutes shall include:

(a) the date, time and place of the meeting;

(b) the names of members present and absent;

(c) the substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(d) the names of all citizens who testified during a public hearing and the substance in brief of their testimony;

(e) any other information that any member requests be entered in the minutes.

(2) Written minutes shall be kept of all closed meetings. Such minutes shall include:

(a) the date, time and place of the meeting;

(b) the names of members present and absent;

(c) the names of all others present except where such disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting.

(3) The minutes of open meetings are classified as public records. The minutes of closed meetings are classified as protected records.

(4) All or any part of an open meeting may be recorded by any person in attendance; provided, the act of recording does not interfere with the peaceful and orderly conduct of the meeting, in the discretion of the council chairperson.

(5) Minutes shall be deemed the official record of the meeting upon the approving vote of the City Council and the approving signature of the City Council chairperson or designee.

(Ord. 2012-11, 04-04-2012) (Ord 2009-14, 11-21-2009) (Ord. 1994-12, 03-22-1994)

1-5-8. Achieving a quorum - Voting.

(1) Attendance of city council members at city council meetings is required unless excused by the chairperson for cause. Should any member of the council refuse or neglect to attend any meeting of the council without being excused by the chairperson for cause and when notified that such member's presence is necessary to form a quorum, that member may be fined a sum not exceeding $250.00 upon the vote of a majority of the council.

(2) The vote of each council member voting for or against an ordinance or resolution shall be recorded upon the original thereof. The concurrence of three council members shall be necessary for the passage of any ordinance, resolution or other business item.

(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

1-5-9. Reconsideration.

No vote of the council shall be reconsidered or rescinded unless at a meeting where there is present at least the same number of the council as was present when such vote was taken.

(Ord. 2019-06, 04-03-2019) (Ord. 1994-12, 03-22-1994)

1-5-10. Claims approval.

The city council shall examine all claims in excess of $30,000 presented against the city and when found to be valid obligations of the city, approve their payment.
(Ord. 2022-28, 08-03-2022) (2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

1-5-11. Compensation of city officers and employees.

(1) The council shall, by resolution in June of each municipal election year, fix the compensation per term of any and all Tooele City officers to be elected.

(2) The council shall adopt a salary schedule for all Tooele City employees with each fiscal year's budget.
(Ord. 1994-12, 03-22-1994)

1-5-12. Council members not to hold created office.

(1) A council member may not hold or be appointed to any city office or position created, or for which the compensation has increased, during that council member's term, until one year after the council member's term expires.

(2) Subsection (1) shall not apply to a council member serving on any board or appendage of Tooele City government during that member's term of office and as a part of that member's duty as a council member.

(3) As used in this section, "compensation" means anything of economic value which is paid, loaned, given, granted, donated or transferred to any person or business entity, for or in consideration of personal services, materials, property, or anything whatsoever.
(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

1-5-13. Rules.

The council may, from time to time, make such rules for governing its proceedings as deemed necessary and proper.
(Ord. 1994-12, 03-22-1994)

1-5-14. Disciplinary powers.

The council may punish its members for disorderly conduct and may, with the concurrence of a quorum, expel a member from any meeting for good cause. No member shall be removed from a meeting unless afforded an opportunity of being heard.
(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

1-5-15. Standards of conduct.

(1) A council member's unexcused absence will result in that member's monthly salary being reduced by the percentage of meetings missed to the total meetings held for the month. An unexcused absence is an absence in which the council member did not contact the council chairperson, indicating the cause of the absence, prior to the meeting.

(2) Use of profanity is not permitted by the city council. Any council member who uses profanity will be warned once and then fined, by vote of the council, for any subsequent use of profanity in that or subsequent meetings.

(3) Council members are encouraged to be prepared for meetings. Any apparent unpreparedness may result in the balance of the council not allowing the unprepared council member to participate in the discussion. An unprepared council member may still vote on the issue.

(4) Council members shall perform their duties in a professional manner. They shall make no personal attacks on other council members, city employees, or on any citizen in attendance at council meetings.

(5) Because council members are elected representatives of the community, they are expected to participate in parades, social functions, and any civic activity, where possible, to show support of the activity by the city government.
(Ord. 2012-11, 04-04-2012) (Ord. 1994-12, 03-22-1994)

CHAPTER 6. MAYOR

1-6-1. Mayor and mayor pro tem; vacancy.
1-6-2. Mayor.
1-6-3. Duties.
1-6-4. Powers generally.
1-6-5. Messages.
1-6-6. Officers.
1-6-7. Assistant to mayor. Repealed.
1-6-8. Appointments. Repealed.
1-6-9. Sign for city.

1-6-1. Mayor and mayor pro tem; vacancy.

The chief executive of the City shall be the Mayor, and during the Mayor's temporary absence or disability, the Chairperson of the City Council shall act as Mayor Pro Tem, who during such absence or disability shall possess the power of Mayor. Whenever a vacancy shall happen in the office of Mayor, the Council shall appoint an interim Mayor until the next Municipal election and until a successor is elected and qualified.
(Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012) (Ord. 1967-3, 08-14-1967)

1-6-2. Mayor.

The Mayor shall be the chief executive officer of the City.
(Ord. 1967-3, 08-14-1967)

1-6-3. Duties.

The Mayor shall perform all duties which are or may be prescribed by law or this Code and shall see that they are faithfully executed.
(Ord. 2012-11, 04-04-2012) (Ord. 1967-3, 08-14-1967)

1-6-4. Powers generally.

The Mayor shall exercise within the City limits the power conferred upon the Mayor to suppress disorder and keep peace. The Mayor shall have authority to grant full pardons for violations of the provisions of this Code or to remit so much of any fine or penalty as belongs to the City, together with the costs of prosecution when to the Mayor it shall seem just, reasonable, and a meritorious cause. The Mayor shall report to the Council the number of fines remitted and pardons granted and the reasons therefor. The Mayor may permit the use of the facilities in the City Hall, by proper persons and for proper purposes, but not to interfere with the rights and uses of the City. The Mayor shall have power and authority at all times to examine and inspect the books, records and papers of any officer or agent employed by the City. The Mayor shall have power, when necessary, to call upon every inhabitant of the City over the age of twenty-one (21) years to aid in enforcing the laws and provisions of this Code, in suppressing riots and other disorderly conduct. The Mayor's powers and duties shall include:

(1) To appoint and dismiss from employment all persons employed by the City except for the city recorder or other employees appointed by the Council, and except as conditioned upon Council consent, both as provided by the Charter. All such appointments are to be made on the basis of fitness alone.

(2) To have direct supervision and responsibility over operations in the Finance Department, City Attorney's Office, City Recorder's Office, Human Resources Department, Police Department, Fire Department, City Hall, Community Development Department, Public Works Department, Parks and Recreation Department, Information Technology Department, Economic Development Department, Public Library, and other administrative departments as may be created or amended from time to time. Included as a part thereof, the Mayor shall have direct supervision of the construction, improvements, repairs, and maintenance of streets, sidewalks, alleys, lanes, bridges, and other public highways; of sewers, drains, ditches, culverts, streams and water courses, and gutters and curbs; of all public buildings, boulevards, parks, playgrounds, squares, and other grounds and facilities belonging to the City; and the collection and disposal of waste materials.

(3) To care for and preserve all machinery, tools, appliances, facilities, and property belonging to the City.

(4) To oversee the issuing of building permits, the inspection of buildings, plumbing, and wiring, subject to uniform codes adopted by the City.

(5) To act as the purchasing agent for the City through an authorized designee, to see that city codes and purchasing policies are adhered to, to approve all claims against the City less than $30,000.00, and to see that all goods purchased by and for the City are received as per contract.

(6) To attend all meetings of the Council with the right to take part in the discussion but not to vote, except in case of a tie vote of the Council; to recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient.

(7) To be the budget officer of the City and, in that capacity, to prepare the annual tentative budget (to be construed as a financial estimate only) and present it to the City Council by the first Wednesday in May, to prepare and present the annual final budget to the City Council as required by state law, and to keep the Council advised as to the financial condition and needs of the City.

(8) To perform such other duties as may be required by ordinance or resolution of the Council or otherwise allowed by the Charter or by State law.
(Ord. 2023-15, 08-16-2023) (Ord. 2022-28, 08-03-2022) (Ord. 2022-02, 01-19-2022) (Ord. 2021-23, 07-21-2021) (Ord. 2019-21, 09-04-2019) (Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012) (Ord. 1995-21, 01-06-1996) (Ord. 1976-23, 11-11-1976) (Ord.

1967-3, 08-14-1967)

1-6-5. Messages.

The Mayor shall from time to time give the Council information relative to the affairs of the City and shall recommend for their consideration such measures as the Mayor may deem expedient.
(Ord. 2019-07, 04-03-2019) (Ord. 1967-3, 08-14-1967)

1-6-6. Officers.

The Mayor shall appoint the following officers: city attorney, treasurer, police chief, fire chief, four members of the Planning Commission, all department heads except the city recorder, and members of advisory boards as provided by this Code, with the consent of the City Council, except as expressly permitted otherwise by the City Code or Utah Code. (The following officers shall be appointed by the Council: city recorder, auditor, annual independent auditor, and three members of the Planning Commission.)
(Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012); (Ord. 1994-56, 01-31-1995) (Ord. 1967-3, 08-14-1967)

1-6-7. Assistant to mayor. Repealed.
(Ord. 2012-11, 04-04-2012)

1-6-8. Appointments. Repealed.
(Ord. 2012-11, 04-04-2012)

1-6-9. Sign for city.

The Mayor shall sign contracts, leases, deeds, and other writings on the part of the City as authorized by resolution of the Council or as required by law. Notwithstanding, the Mayor shall have authority to sign contracts on the part of the City which are administrative in nature and which are for less than $30,000.00, without further City Council authorization.
(Ord. 2022-28, 08-03-2022) (Ord. 2019-07, 04-03-2019) (Ord. 2012-11, 04-04-2012) (Ord. 2000-17, 08-16-2000) (Ord. 1967-3, 08-14-1967)

CHAPTER 7. Repealed. (Ord. 84-07, 04-04-84)

CHAPTER 8. RECORDER

1-8-1. City recorder - Duties.
1-8-2. Pay over money.
1-8-3. Financial reports.

1-8-1. City recorder - Duties.

It shall be the duty of the City Recorder to keep the records, papers, and Seal of the City in order, the date of all ordinances and resolutions passed by the Council in a book kept for that purpose. The Recorder shall keep in a separate book, a record of the proceedings of the Council, whose meetings it shall be the Recorder's duty to attend. The Recorder shall keep in a book provided for that purpose the name of all persons elected or appointed to an office within the City, their terms of office and the names of the person appointed to fill the vacancy so created. The Recorder shall cause a certified copy of all ordinances passed by the Council to be posted in three (3) public places in the City within one (1) week after the passage of such Ordinance by the Council, unless published as otherwise provided by law.

The Recorder shall keep an office at the place of meeting of the Council or some other place convenient thereto as the Council may direct. Copies of all papers filed in the Recorder's office and transcripts from all records of the Council attested to or certified by the Recorder under the Corporate Seal shall be evidence in all courts as if the original were produced.
(Ord. 2019-22, 09-04-2019) (Ord. 1967-3, 08-14-1967)

1-8-2. Pay over money.

The Recorder shall pay into the Treasury all monies belonging to the City coming into the Recorder's possession by virtue of the Recorder's office. The Recorder shall deliver to successors in office the Corporate Seal, together with all books, papers, records, and other property in the Recorder's possession belonging to the City.
(Ord. 2019-22, 09-04-2019) (Ord. 1967-3, 08-14-1967)

1-8-3. Financial reports.

The Recorder shall provide to the Council monthly summary financial reports and quarterly detail financial reports as provided by State law.
(Ord. 2019-22, 09-04-2019)

CHAPTER 9. TREASURER

1-9-1. Appointment by mayor - removal.
1-9-2. Duties generally.
1-9-3. Duties with respect to issuance of checks.
1-9-4. Warrants - Order of payment.
1-9-5. Deposit of city funds - Commingling with personal funds unlawful - Suspension from office.
1-9-6. Bond.

1-9-1. Appointment by mayor - removal.

(1) The Mayor, with the consent of the City Council, shall appoint a qualified person to the office of treasurer.

(2) The Mayor, with the consent of the City Council, may remove the treasurer from appointed office, subject to the Tooele City Charter, with or without cause.

(Ord. 2015-23, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-9-2. Duties generally.

(1) The treasurer shall not assume the duties of the finance director.

(2) The treasurer shall:

(a) be custodian of all money, bonds, or other securities of the City;

(b) determine the cash requirements of the City and provide for the investment of all idle cash;

(c) ensure compliance with the State Money Management Act and other applicable laws, and to prepare the reports required by the Act; and,

(d) maintain and resolve any matters relating to bank, financial, or other short-term investment services including electronic service, on-line access, with primary concerns being to provide for account security from fraud or other unwarranted access..

(Ord. 2015-23, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-9-3. Duties with respect to issuance of checks.

The treasurer shall:

(1) ensure that a roster of authorized check signers is maintained and that all checks are signed and countersigned by authorized individuals;

(2) be authorized to sign all checks prepared by the finance director and/or the city recorder, but not the payroll office; and,

(3) ensure that a sufficient amount is on deposit in the appropriate bank accounts of the city to honor the warrants to be tendered by checks, including by receiving and reviewing any records relating to warrants.

(Ord. 2015-23, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-9-4. Warrants - Order of payment.

In the absence of appropriate monies, as set forth in Utah Code Annotated section 10-6-140, the treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the city. The treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.

(Ord. 2015-23, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-9-5. Deposit of city funds - Commingling with personal funds unlawful - suspension from office.

The treasurer shall receive from the finance director all public funds and monies paid to the City and promptly deposit all city funds in the appropriate bank accounts of the city. It shall be unlawful for any person to commingle city funds with his or her own money. Whenever it shall appear that the treasurer or any other officer is making profit out of public money, or is using the same for any purpose not authorized by law, such treasurer or officer shall be suspended from office.

(Ord. 88-29, 12-07-88)

1-9-6. Bond.

The treasurer shall be included with the public employee blanket bond of the City at the sum of 5% of budgeted revenues for the previous year but not less than $300,000.

(Ord. 2015-23, 08-19-2015)

CHAPTER 10. POLICE DEPARTMENT

1-10-1. Police department created.
1-10-2. The chief of police.
1-10-3. Duties of special police.
1-10-4. Service of writs and other process.
1-10-5. Conduct of members of department.
1-10-6. Rules and regulations of department.
1-10-7. Witness fees.
1-10-8. Repealed.
1-10-9. Repealed.
1-10-10. Repealed.
1-10-11. Repealed.
1-10-12. Repealed.
1-10-13. Repealed.
1-10-14. Repealed.
1-10-15. Repealed.
1-10-16. Repealed.
1-10-17. Repealed.
1-10-18. Repealed.
1-10-19. Repealed.
1-10-20. Repealed.
1-10-21. Definitions.
1-10-22. Police administration.
1-10-23. Traffic division.
1-10-24. Records of traffic violations.
1-10-25. Investigate accidents.
1-10-26. Traffic accident studies.
1-10-27. Traffic accident reports.
1-10-28. Driver's files.
1-10-29. Annual traffic safety report.
1-10-30. Authority.
1-10-31. Senior reserve patrol.

1-10-1. Police department created.

There is hereby created and established a Tooele City Police Department. The offices of which shall be the Chief of Police, Captain, Lieutenant, Sergeant, Patrol Officer, Special Police Officer and Dispatcher. The duties of the officers other than the Chief of Police shall be established by job description in the Policy and Procedure Manual of Tooele City, when not so specified in this chapter. (Ord. 76-8, 04-12-76)

1-10-2. The chief of police.

The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council. He shall qualify for the position as required by the Policy and Procedure Manual of Tooele City. The Chief shall be responsible for the actions of and shall supervise all other officers and members of the Police Department. He shall maintain a daily radio log, and such reports as will inform the Mayor of the daily activities of the Department personnel or as may be required by law. He shall perform all duties required by law, including orders of all courts for the State of Utah. He shall see that the laws of Tooele City, the State of Utah and the United States of America are strictly enforced and that violators thereof are brought to justice. (Ord. 2007-04, 2-21-2007); (Ord. 88-08, 04-06-88)

1-10-3. Duties of special police.

Special police officers shall perform such duties as are designated by the Chief of Police. Such persons shall be sworn police officers for the limited purpose of appointment. (Ord. 76-8, 04-12-76)

1-10-4. Service of writs and other process.

All members of the Police Department are authorized to serve writs, summonses and other process issuing from any court of the State of Utah, but no member shall serve the same except on prior authority to do so being given by the Chief of Police. (Ord. 88-08, 04-06-88)

1-10-5. Conduct of members of department.

It is the duty of every member of the Police Department to conduct himself in a proper and law abiding manner, to avoid the appearance of unlawful conduct, and to avoid the use of any unnecessary force. (Ord. 76-8, 04-12-76)

1-10-6. Rules and regulations of department.

The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Department as he shall see fit; such rules, when approved by the Mayor, shall be binding upon its members. (Ord. 76-8, 04-12-76)

1-10-7. Witness fees.

Every member of the Police Department shall appear as a witness whenever necessary in an action at law for the violation of any ordinance or statute of this City, any County or State of the United States of America. No such person shall retain any witness fee for service as a witness in any action or suit to which this City is a party, any fees paid for such services shall be remitted to the Chief of Police who shall immediately deposit the same with the City Treasurer. (Ord. 76-8, 04-12-76)

1-10-8. Repealed.

(Ord. 87-22, 01-02-88)

1-10-9. Repealed.

(Ord. 87-22, 01-02-88)

1-10-10. Repealed.

(Ord. 87-22, 01-02-88)

1-10-11. Repealed.

(Ord. 87-22, 01-02-88)

1-10-12. Repealed.
(Ord. 87-22, 01-02-88)

1-10-13. Repealed.
(Ord. 87-22, 01-02-88)

1-10-14. Repealed.
(Ord. 87-22, 01-02-88)

1-10-15. Repealed.
(Ord. 87-22, 01-02-88)

1-10-16. Repealed.
(Ord. 87-22, 01-02-88)

1-10-17. Repealed.
(Ord. 87-22, 01-02-88)

1-10-18. Repealed.
(Ord. 87-22, 01-02-88)

1-10-19. Repealed.
(Ord. 87-22, 01-02-88)

1-10-20. Repealed.
(Ord. 87-22, 01-02-88)

1-10-21. Definitions.

The following definitions shall apply to the interpretation of the provisions of this chapter:

(1) Peace Officer means any member of the Tooele City Police Department that meets the qualifications for a peace officer as determined by the State of Utah.

(2) Police Officer means any member of the Tooele City Police Department regardless as to whether the person meets the requirements of a peace officer or not.

(3) Policeman means Police Officer.

(4) Special Police Officer means any person so designated as provided by the provisions of this chapter. A special police officer may or may not meet the requirements necessary to be classified as a peace officer. (Ord. 76-8, 04-12-76)

1-10-22. Police administration.

(1) There is hereby established in the Police Department of this City a Traffic Division to be under the control of a police officer appointed by an directly responsible to the Chief of Police.

(2) It shall be the general duty of the Police Department to determine the installation and proper timing and maintenance of traffic control devices, to plan the operation of traffic on the streets and highways of the City and to cooperate with other City Officials in the development and means to improve traffic conditions and to carry out the additional powers and duties imposed by the provisions of this Code. (Ord. 76-8, 04-12-76)

1-10-23. Traffic division.

It shall be the duty of the Traffic Division with such aid as may be rendered by other members of the Police Department to enforce the Street Traffic Regulations of this City and all of the State vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents and to cooperate with other Officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said Division by this title and the traffic ordinances of the City. (Ord. 76-8, 04-12-76)

1-10-24. Records of traffic violations.

(1) The Police Department or the Traffic Division thereof shall keep record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

(2) All forms for records of violations and notices violations shall be serially numbered. For Each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(3) All such records and reports shall be public records. (Ord. 76-8, 04-12-76)

1-10-25. Investigate accidents.

It shall be the duty of the Traffic Division, assisted by other Police Officers of the Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (Ord. 76-8, 04-12-76)

1-10-26. Traffic accident studies.

Whenever the accidents at any particular location become numerous, the Traffic Division shall conduct studies of such accidents and determine remedial measures. (Ord. 76-8, 04-12-76)

1-10-27. Traffic accident reports.

The Traffic Division shall maintain a suitable system of filing traffic accident reports. (Ord. 76-8, 04-12-76)

1-10-28. Driver's files.

(1) The Police Department or the Traffic Division thereof, shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(2) Said Division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws, or involved in frequent accidents, or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps that are lawful and reasonable to prevent the same.

(3) Such records shall accumulate during at least a five (5) year period and from that time on such records shall be maintained complete for at least the recent five (5) year period. (Ord. 76-8, 04-12-76)

1-10-29. Annual traffic safety report.

The Traffic Division shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in the City as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of accidents investigated and other pertinent data on the safety activities of the Police;

(3) The plans and recommendations of the Division for future traffic safety activities. (Ord. 76-8, 04-12-76)

1-10-30. Authority.

(1) It shall be the duty of the Officers of the Police Department or such Officers as are assigned by the Chief of Police to enforce all street traffic, criminal, and nuisance laws of the City and all of the State vehicle laws applicable to street traffic in the City.

(2) Officers of the Police Department or such Officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, Officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(3) Officers of the Fire Department, when at the scene of a fire, may direct or assist the Police in directing traffic thereat or in the immediate vicinity. (Ord. 78-19, 07-13-78; Ord. 76-8, 04-12-76)

1-10-31. Senior reserve patrol.

There is hereby created within the police department a Senior Reserve Patrol. Such patrol shall consist of senior citizens who shall perform limited police functions, including issuing civil parking citations, making security checks, passing crime information reports, receiving traffic accident information, and other duties as may be assigned by the chief of police. Members of the Senior Reserve Patrol shall serve without compensation. (Ord. 90-05, 06-14-90)

CHAPTER 11. ATTORNEY

1-11-1. Duties.

1-11-1. Duties.

It shall be the duty of the City Attorney to prosecute and defend in all courts, all actions in behalf of the City on account of official acts; to make appeals or sue out writs of error on behalf of the City or any Officer as aforesaid, with the consent and approval of the Mayor, and make the necessary affidavits, acknowledgments, resolutions and ordinances, and execute the necessary bonds in the name of the City; to advise officers on such legal questions as may arise in relation to the business of the City. Having personal knowledge of the violation of any provision of this Code or upon receiving reliable information of any violation, he shall institute the necessary steps to bring the offender to punishment. (Ord. 67-3, 08-14-67)

CHAPTER 12. OFFICIAL BONDS AND OATHS

(Repealed. Ord. 2018-06, 05-02-2018)

CHAPTER 13. BOUNDARIES AND SEAL

1-13-1. Boundaries.
1-13-2. Seal.

1-13-1. Boundaries.

The boundaries of Tooele City shall be as follows: Beginning at the Northeast corner of Section Twenty-Two in Township Three South of Range Four West, Salt Lake Base and Meridian, thence West three miles; thence South three miles; thence East three miles; thence North three miles to the place of beginning. (Ord. 67-3, 08-14-67)

1-13-2. Seal.

The seal heretofore provided and used for Tooele City, described as follows: One and three-fourths inches in diameter, with head of deer in center and the inscription "Tooele City Seal, Tooele County, Utah" around the outer edge is hereby declared to have been, that it is now and hereafter shall be the Corporate Seal of Tooele City. (Ord. 67-3, 08-14-67)

CHAPTER 14. DIRECTOR OF FINANCE

1-14-1. Head of department of finance.
1-14-2. Appointment as budget officer. (Repealed.)
1-14-3. Purchasing procedures.
1-14-4. Duties.
1-14-5. Warrants for payment of claims.
1-14-6. Authorization of payments.
1-14-7. Monthly and quarterly financial reports.
1-14-8. Bond.
1-14-9. Special assessments - application of proceeds.

1-14-1. Head of department of finance.

The Department of Finance shall be headed by a director. The director of finance shall be a qualified person appointed and removed with the advice and consent of the governing body, and may not assume the duties of the city treasurer. The financial administrative duties of the director of finance prescribed in the Uniform Accounting Manual for Utah Cities is hereby adopted, the same as if set forth in full herein.
(Ord. 1988-29, 12-07-1988)

1-14-2. Appointment as budget officer.

(Repealed by Ord. 2019-23, 09-04-2019.)

1-14-3. Purchasing procedures.

All purchases or encumbrances thereof by the city shall be made or incurred according to the purchasing procedures established by ordinance or resolution and only on an order or approval of the person duly authorized to act as a purchasing agent for the City. (Ord. 1988-29, 12-07-1988)

1-14-4. Duties.

The director of finance shall:

(1) Maintain the general books for each fund of the city and all subsidiary records relating thereto, including a list of the outstanding bonds, their purpose, amount, terms, date and place payable.

(2) Keep accounts with all receiving and disbursing officers of the city.

(3) Pre-audit all claims and demands against the city before they are allowed, and shall prepare the necessary checks in payment. Such checks shall include an appropriate certification pursuant to Section 11-1-1, Utah Code Annotated. The director shall also certify on the voucher or check copy, as appropriate, that:

(a) The claim has been pre-audited and documented,

(b) The claim has been approved by the Mayor, if the claim is not in excess of $30,000.00; if the claim is in excess of $30,000.00, that the claim has been approved by the city council,

(c) The claim is within the lawful debt limit of the city, and,

(d) The claim does not overexpend the appropriate departmental budget established by the city council.

(4) Collect and receive all public funds and money payable to the City, within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue, special taxes, assessments, as provided by law and ordinance, and keep an accurate detailed account thereof.

(5) Forward all collected and received funds to the treasurer for deposit, investment, and safe keeping.

(6) Give or cause to be given to every person paying money to the City a receipt or other evidence of payment, specifying, as appropriate, the date of payment and upon which account payment was made, and shall file the duplicate of the receipt, a summary report, or other evidence of payment in the office of the finance director or city recorder, as appropriate.

(7) Present annual independent audit proposals to the Council prior to the date of adoption of the tentative budget.
(Ord. 2022-28, 08-03-2022) (Ord. 2019-23, 09-04-2019) (Ord. 2015-23, 08-19-2015) (Ord. 2015-22, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-14-5. Warrants for payment of claims.

In the event the city is without funds on deposit in one of its appropriate bank accounts with which to pay any lawfully approved claim, the director of finance shall draw and sign a warrant upon the treasurer of the city for payment of the claim, the warrant to be tendered to the payee named thereon.
(Ord. 1988-29, 12-07-1988)

1-14-6. Authorization of payments.

The director of finance is authorized to act as the financial officer for the purpose of approving:

(1) payroll checks, if the checks are prepared in accordance with a salary schedule established in a personnel ordinance or resolution, and if such checks are properly countersigned by another employee with signing authority; or

(2) routine expenditures, such as utility bills, payroll-related expenses, supplies, materials, and capital expenditures which were referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year.
(Ord. 2015-23, 08-19-2015) (Ord. 1988-29, 12-07-1988)

1-14-7. Monthly and quarterly financial reports.

The director of finance shall prepare and deliver to the Recorder for presentation to the Council monthly summary financial reports and quarterly detail financial reports as provided by State law.
(Ord 2019-23, 09-04-2019) (Ord. 1988-29, 12-07-1988)

1-14-8. Bond.

The director of finance shall be included within public employee blanket bonds of the city at the sum of five percent of budgeted revenues for the previous year but not less than $300,000.00.
(Ord. 1988-29, 12-07-1988)

1-14-9. Special assessments - application of proceeds.

All money received by the City on any special assessment shall be applied to the payment of the improvement for which the assessment was made. The money shall be used for the payment of interest and principal on bonds or other indebtedness issued in settlement thereof, and shall be used for no other purpose whatever, except as otherwise provided by law.
(Ord. 2015-23, 08-19-2015)

CHAPTER 15. NOTIFICATION OF PUBLIC NUISANCE

Repealed. (Ord. 2018-03, 01-17-2018)

CHAPTER 16. Repealed. (Ord. 88-25, 08-03-88)

CHAPTER 17. Repealed. (Ord. 88-26, 09-07-88)

CHAPTER 18. FRANCHISE PROVISIONS

1-18-1. Application, copies, fees.
1-18-2. Nonassignability
1-18-3. Manner of assignment.
1-18-4. Forfeiture of rights.
1-18-5. Repealed.
1-18-6. Repealed.
1-18-7. Repealed.
1-18-8. Repealed.
1-18-9. Repealed.
1-18-10. Repealed.
1-18-11. Repealed.
1-18-12. Repealed.
1-18-13. Repealed.
1-18-14. Repealed.
1-18-15. Repealed.
1-18-16. Repealed.
1-18-17. Repealed.
1-18-18. Repealed.
1-18-19. Repealed.
1-18-20. Repealed.
1-18-21. Repealed.
1-18-22. Repealed.
1-18-23. Repealed.
1-18-24. Repealed.

1-18-1. Application, copies, fees.

Whenever application shall be made to the Council for a franchise or grant of special privileges or for the extension or renewal of an existing franchise or grant of special privilege, the applicant shall furnish to the Recorder, for the use of the Council, ten (10) copies of the proposed Resolution or Ordinance, and pay into the Treasury a fee to be determined by the Council. (Ord. 67-3, 08-14-67)

1-18-2. Nonassignability.

All franchises and grants of special privilege shall be deemed to be nonassignable without the express permission of the Council, whether such limitation is set forth in the body of the franchise or grant or not. (Ord. 67-3, 08-14-67)

1-18-3. Manner of assignment.

All assignment of franchise and special grants must be in writing and a copy thereof filed in the office of the Recorder before any assignment or transfer will be recognized by the Council. (Ord. 67-3. 08-14-67)

1-18-4. Forfeiture of rights.

Any attempted assignment or transfer of a franchise or special privilege not made in accordance with the provisions of this Chapter shall operate as a forfeiture of all the rights of the grants therein given. (Ord. 67-3. 08-14-67)

1-18-5. Repealed.
(Ord. 87-15, 08-13-87)

1-18-6. Repealed.
(Ord. 87-15, 08-13-87)

1-18-7. Repealed.
(Ord. 87-15, 08-13-87)

1-18-8. Repealed.
(Ord. 87-15, 08-13-87)

1-18-9. Repealed.
(Ord. 87-15, 08-13-87)

1-18-10. Repealed.
(Ord. 87-15, 08-13-87)

1-18-11. Repealed.
(Ord. 87-15, 08-13-87)

1-18-12. Repealed.
(Ord. 87-15, 08-13-87)

1-18-13. Repealed.
(Ord. 87-15, 08-13-87)

1-18-14. Repealed.
(Ord. 87-15, 08-13-87)

1-18-15. Repealed.
(Ord. 87-15, 08-13-87)

1-18-16. Repealed.
(Ord. 87-15, 08-13-87)

1-18-17. Repealed.
(Ord. 87-15, 08-13-87)

1-18-18. Repealed.
(Ord. 87-15, 08-13-87)

1-18-19. Repealed.
(Ord. 87-15, 08-13-87)

1-18-20. Repealed.
(Ord. 87-15, 08-13-87)

1-18-21. Repealed.
(Ord. 87-15, 08-13-87)

1-18-22. Repealed.
(Ord. 87-15, 08-13-87)

1-18-23. Repealed.
(Ord. 87-15, 08-13-87)

1-18-24. Repealed.
(Ord. 87-15, 08-13-87)

CHAPTER 19. CLERK OF THE COURT

1-19-1. Repealed. (Ord. 84-07, 04-04-84)

CHAPTER 20. ENGINEER (Repealed.)

1-20-1. Duties. (Repealed.)

1-20-1. Duties. (Repealed.)

CHAPTER 21. BAIL COMMISSIONERS.

Repealed. (Ord. 2024-30, 11-06-2024)

CHAPTER 22. FINANCIAL ADMINISTRATION

1-22-1. Mayor as budget officer.
1-22-2. Purchases and sales by established procedures.
1-22-3. Repealed. (Ord. 92-19, 10-20-92)
1-22-4. Payments authorized by mayor.

1-22-1. Mayor as budget officer.

The Mayor, as the budget officer of the City, shall require all expenditures by any department to conform with the departmental budget.
(Ord. 1981-02, 01-15-1981)

1-22-2. Purchases and sales by established procedures.

All purchases or encumbrances of the City shall be made or incurred according to the purchasing procedures established by resolution or ordinance, and only on an order or approval of the person duly authorized to act as a purchasing agent for the City. City property shall be sold according to procedures established by resolution.
(Ord. 1981-02, 01-15-1981)

1-22-3. Repealed. (Ord. 92-19, 10-20-92)

1-22-4. Payments authorized by mayor.

(1) The Mayor is authorized, subject to paragraph (2) below, to approve the following claims against the City:

(a) Payroll checks, if the checks are prepared in accordance with a salary schedule established in a personnel ordinance or resolution,

(b) Routine expenditures, such as utility bills, payroll related expenses, supplies and materials,

(c) Payments on City approved contracts,

(d) Capital expenditures which were referred in the budget document and approved by an appropriation resolution adopted for the current fiscal year.

(2) The authority of the Mayor to approve claims against the City in the above paragraph is subject to the following restrictions:

(a) No claim may be approved by the Mayor which is not within the duly and legally adopted or adjusted budget.

(b) No claim may be approved by the Mayor which is not made or incurred according to the purchasing procedures established by resolution or ordinance.

(c) No claim may be approved by the Mayor which is in excess of $30,000.00.
(Ord. 2022-28, 08-03-2022) (Ord. 2016-04, 01-20-2016) (Ord. 1981-02, 01-15-1982)

CHAPTER 23. CITY RECORDS.

1-23-1. Maintenance and Access of Records.
1-23-2. Compliance with Government Records Access and Management Act.
1-23-3. Repealed. (Ord. 2008-03, 05-07-08)
1-23-4. Repealed. (Ord. 2008-03, 05-07-08)
1-23-5. Repealed. (Ord. 2008-03, 05-07-08)
1-23-6. Repealed. (Ord. 2008-03, 05-07-08)
1-23-7. Repealed. (Ord. 2008-03, 05-07-08)
1-23-8. Repealed. (Ord. 2008-03, 05-07-08)
1-23-9. Unwarranted invasion of personal privacy.
1-23-10. Retention.
1-23-11. Written request.
1-23-12. Fees.
1-23-13. Repealed. (Ord. 2008-03, 05-07-08)
1-23-14. Repealed. (Ord. 2008-03, 05-07-08)
1-23-15. Amendment of records.
1-23-16. Disciplinary action.
1-23-17. Records officer.
1-23-18. Repealed. (Ord. 2008-03, 05-07-08)
1-23-19. Maintenance procedures.
1-23-20. Document formats.
1-23-21. Repealed. (Ord. 2008-03, 05-07-08)

1-23-1. Maintenance and access of records.

(1) It is the purpose of this Chapter, and it is in the best interests of Tooele City and the citizens thereof, and essential for the administration of city government, to:

(a) maintain and preserve accurate governmental records;

(b) provide ready access to records which are defined by law as open to the public;

(c) maintain the security of records which are defined by law as private, controlled, protected, or otherwise confidential; and

(d) ensure the preservation of vital and historically valuable records.

(2) As the records of the City are a resource containing information which allows government programs to function, provides officials with a basis for making decisions and ensuring continuity with past operations, and permits citizens to research and document matters of personal and community importance, it is the intent of this Chapter that this resource be systematically and efficiently managed.

(3) It is the policy of the City that all city records, which are defined by applicable Utah statutory and case law as public records, will be made available to citizens within a reasonable time after request and at a reasonable cost as set forth in this Chapter and GRAMA.

(4) Tooele City recognizes a public policy interest in allowing the government to restrict access to certain records for the public good.

(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-2. Compliance with Government Records Access and Management Act.

In enacting this Chapter, it is the purpose and intent of the City to acknowledge and comply with the Government Records Access and Management Act ("GRAMA"), Chapter 2 of Title 63G of the Utah Code Annotated (1953, as amended), and to provide for its application in the city.

(Ord. 2009-09, 10-21-09); (Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-3. Repealed. (Ord. 2008-03, 05-07-08)

(Ord. 92-09, 08-11-92)

1-23-4. Repealed. (Ord. 2008-03, 05-07-08).

(Ord. 92-09, 08-11-92)

1-23-5. Repealed. (Ord. 2008-03, 05-07-08)

(Ord. 92-09, 08-11-92)

1-23-6. Repealed. (Ord. 2008-03, 05-07-08)

(Ord. 92-09, 08-11-92)

1-23-7. Repealed. (Ord. 2008-03, 05-07-08)

(Ord. 92-09, 08-11-92)

1-23-8. Repealed. (Ord. 2008-03, 05-07-08)

(Ord. 92-09, 08-11-92)

1-23-9. Unwarranted invasion of personal privacy.

(1) The City recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The City also recognizes that GRAMA and Utah case law establish a presumption that governmental records will generally be considered open and public, unless otherwise properly classified. In circumstances where a record's classification is not clearly established by GRAMA or another statute, by this Chapter, or by policies established or classifications made under this Chapter, the public's right to access a particular record may be restricted where that access would constitute a clearly unwarranted invasion of personal privacy. In accordance with decisions of the Utah appellate courts, city records that have not been specifically made public by GRAMA, that refer to named or readily identifiable individuals, and that deal with matters of a delicate nature which could engender shame, humiliation or embarrassment in the subject of that record shall generally not be classified as public records, and release thereof may constitute a clearly unwarranted invasion of personal privacy. In the same manner, certain data may be classified as private, controlled, or protected, although other data in the record, or the record itself, may be classified as public.

(2) The City may, as determined appropriate by the Records Officer, notify the subject of a record that a request for access to the subject's record has been made.

(3) When responding to a request for private records, the City shall require that the requester of records provide a written release, notarized within 30 days before request, from the subject of the records in question before access to such records is provided.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-10. Retention.

All city records will be retained according to retention schedules promulgated by the State of Utah. Nothing herein shall prevent the City from retaining a record for longer than required under the retention schedules.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-11. Written request.

Requests for records shall be submitted to the Records Officer upon a form approved by the City Attorney.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-12. Fees.

Fees shall be established by Resolution of the City Council and incorporated into a city fee schedule.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-13. Repealed. (Ord. 2008-03, 05-07-08);
(Ord. 92-09, 08-11-92)

1-23-14. Repealed. (Ord. 2008-03, 05-07-08);
(Ord. 92-09, 08-11-92)

1-23-15. Amendment of records.

Requests to amend records shall be submitted to the Records Officer.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-16. Disciplinary Action.

(1) City employees who knowingly refuse to permit access to records in accordance with GRAMA and this Chapter, who knowingly permit access to nonpublic records, or who knowingly, without authorization or legal authority, dispose of, alter, or remove records or allow other persons to do so in violation of the provisions of GRAMA, this Chapter, or other law or regulation, may be subject to criminal prosecution and disciplinary action, including termination.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-17. Records officer.

The City Recorder shall be the Records Officer for purposes of this Chapter, and shall oversee and coordinate records access, management, and archives activities.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-18. Repealed. (Ord. 2008-03, 05-07-08)
(Ord. 92-09, 08-11-92)

1-23-19. Maintenance procedures.

(1) Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve city 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 creating, duplication, and disposal of city records. The Records Officer shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records. Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed an promulgated, subject to the approval of the Mayor.

(2) All city records shall remain the property of the City unless federal or state legal authority provides otherwise. Property rights to city records may not be permanently transferred from the City to any private individual or entity, including those legally disposable obsolete city records. This prohibition does not include the providing of copies of records otherwise produced for release or distribution under this chapter.

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

(4) All records which are in the possession of any city department shall, upon termination of activities of such department, be transferred to any successor department, provided that such transfer is consistent with the formal provisions of such termination.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-20. Document formats.

(1) The City retains and reserves to itself the right to use any type of nonverbal or nonwritten formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security, and maintenance, to store and maintain city records.
(Ord. 2008-03, 05-07-08); (Ord. 92-09, 08-11-92)

1-23-21. Repealed. (Ord. 2008-03, 05-07-08)
(Ord. 92-09, 08-11-92)

1-23-22. Appeals.

The Tooele City Mayor shall be the chief administrative officer for purposes of appeals under Utah Code Ann. §63G-2-401 of Tooele City records determinations.
(Ord. 2009-09, 10-21-09)

CHAPTER 24. MUNICIPAL ELECTIONS.

1-24-1. Filing Fees.
1-24-2. Fine.

1-24-1. Filing Fees.

At the time of filing for Tooele City elected office:

(1) all candidates for mayor shall pay a filing fee of $50.00;

(2) all candidates for city council shall pay a filing fee of $30.00.

(Ord. 2005-18, 7-12-2005)

1-24-2. Fine.

If a candidate fails to timely file a campaign finance statement required under 10-3-208(4) or (5), the city recorder shall impose a fine of $50 per late filing on the candidate.

(Ord. 2023-23, 05-17-2023)

CHAPTER 25. DISPOSAL OF SIGNIFICANT PARCELS OF REAL PROPERTY

1-25-1. Definitions.

(1) "Significant Parcel of Real Property" means a single parcel of real property owned by Tooele City regardless of size or value.

(2) "Reasonable Notice" means, for purposes of this Chapter, publication of notice in a newspaper of general circulation at least 14 calendar days prior to a public hearing. (Ord. 2007-21, 07-18-07)

1-25-2. Disposal of Significant Parcel of Real Property.

If at any time, the City intends to dispose of a Significant Parcel of Real Property by conveyance of a fee simple absolute interest in said Real Property, the City Recorder shall provide reasonable notice. The City Council, following the provision of reasonable notice, shall hold a public hearing to allow for public comment on the proposed disposition of the property in question. (Ord. 2007-21, 07-18-07)

CHAPTER 26. FEES

1-26-1. Fee Establishment Authority.
1-26-2. Fee Appeal Authority.

1-26-1. Fee Establishment Authority.

(1) The City Council is authorized to establish Tooele City fees by resolution, to be incorporated into a Tooele City Fee Schedule, for activities regulated by the City, for applications approved by the City, for permits issued by the City, for services delivered by the City, and otherwise as allowed by law.

(2) When the City Council enacts a change to any fee, the new fee amount shall apply to all new and pending applications and submissions for which the fee has not been paid in full, except where the fee amount is otherwise vested by law or by written agreement with the City.

(Ord. 2026-03; 02-18-2026) (Ord. 2011-16, 08-17-11)

1-26-2. Fee Appeal Authority.

(1) Unless provided otherwise by a specific provision of the Utah Code or Tooele City Code, the Mayor shall be the Appeal Authority for purposes of appealing a City fee.

(2) Unless provided otherwise by a specific provision of the Utah Code or Tooele City Code, all appeals of City fees shall be filed in writing within the later of (a) 10 calendar days of payment of the fees, or (b) if an itemized fee statement has been requested pursuant to U.C.A. §10-20-904, within 10 calendar days of the City providing the itemized fee statement.

(3) The appellant has the burden of proving that the fee paid does not reflect the reasonable estimated cost of

(A) regulating the industry
(B) processing the application
(C) issuing the permit, or
(D) delivering the service.

(4) The appellant shall state in the written appeal the full legal and factual basis for the appeal.

(5) The Mayor shall evaluate the merits of the appeal and shall issue a written decision within 15 calendar days of the filing of the appeal. The Mayor's decision shall state its effective date and shall constitute the City's final decision regarding the fee.

(6) The Mayor shall provide a copy of each written decision to the City Council.

(7) The Mayor's decision is subject to District Court review as provided by U.C.A. §10-9a-801 *et. seq.*

(Ord. 2026-03; 02-18-2026) (Ord. 2011-16, 08-17-11)

CHAPTER 27. ZONING ADMINISTRATOR

1-27-1. Appointment.
1-27-2. Duties of the Zoning Administrator.
1-27-3. Effect of Interpretations and Decisions.
1-27-4. Request for Review by Director.
1-27-5. Appeal.
1-27-6. Administrative Interpretations.

1-27-1. Appointment.

The Mayor, with the advice of the City Council, may appoint from among the employees of Tooele City a Zoning Administrator, who shall be primarily responsible for administering, interpreting, and enforcing the terms of the Tooele City Code Title 7, Uniform Zoning Title.
(Ord. 2013-04, 06-19-2013)

1-27-2. Duties of the Zoning Administrator.

(1) Administrative Interpretation. The Zoning Administrator shall interpret Title 7, Uniform Zoning Title, to members of the public, City departments, and to other branches of City government, subject to general and specific ordinances and policies established by the City Council and City Administration. Upon written request, the Zoning Administrator shall make a written interpretation of any part or portion of the text of Title 7 pursuant to this Chapter. Such interpretations may include use interpretations to determine whether a proposed use is substantially similar to a listed use shown to be a permitted or conditional use in Title 7. The Zoning Administrator shall confer as necessary with the City Attorney in making any administrative interpretation or decision.

(2) Administrative Duties. The Zoning Administrator shall be responsible for all administrative actions required by Title 7, including the giving of notice, holding of hearings, preparation of staff reports, issuance of decisions, and receiving and processing of appeals.

(3) Land Use Applications. The Zoning Administrator shall review or cause to be reviewed all applications for a site plan, subdivision, Conditional Use Permits, General Plan text amendment, General Plan Land Use Map amendment, Title 7 text amendment, Zoning Map amendment, and all other land use applications as set forth in Title 7, and inform the appropriate land use authority of the findings of that review

(4) Enforcement. The Zoning Administrator shall enforce or cause the enforcement of the provisions of Title 7, and the terms or conditions of any land use approval wherever and however violations of those provisions or approvals occur. This may include consultation with the City Attorney, Ordinance Enforcement Officer, or Police Department, as applicable, issuing notices to comply or take other appropriate action, and the preparation of exhibits, testimony, and other data which may be needed in such enforcement. The failure of the Zoning Administrator to enforce the provisions of Title 7 or the terms or conditions of any land use approval shall not legalize or be deemed to condone any act in violation of such provisions or approvals.

(5) Administrative Decisions. The Zoning Administrator shall render administrative decisions on those certain routine and uncontested matters as may be delegated to him or her by ordinance of the City Council and pursuant to established guidelines or policies relating thereto.

(6) Advice. The Zoning Administrator may advise all persons making application for any project which requires approval by the Planning Commission or City Council.

(7) Appeals. The Zoning Administrator shall be responsible for providing the complete written record to the Administrative Hearing Officer.
(Ord. 2016-15, 10-19-2016) (Ord. 2013-04, 06-19-2013)

1-27-3. Effect of Interpretations and Decisions.

(1) An administrative interpretation or decision shall apply only to the property for and circumstances under which the interpretation or decision is given.

(2) A use interpretation finding a use to be a permitted or conditional use in a particular zoning district shall be deemed to authorize only that use on only the property that is the subject of the interpretation. A use interpretation shall not authorize another allegedly similar use for which a separate use interpretation has not been issued.

(3) A use interpretation finding a particular use to be a permitted or conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by Title 4 or Title 7, or other applicable provisions of the Tooele City Code.
(Ord. 2013-04, 06-19-2013)

1-27-4. Request for Review by Director.

Any person aggrieved by a written interpretation or decision of the Zoning Administrator may request, in writing, a review of that interpretation or decision by the Community Development Director. The Community Development Director shall issue a written decision in which he or she may affirm, modify, overturn, or remand for further consideration the interpretation or decision of the Zoning Administrator.
(Ord. 2013-04, 06-19-2013)

1-27-5. Appeal.

Any person aggrieved by the Community Development Director's decision after review of the Zoning Administrator's interpretation or decision may file a written appeal of the decision to the Administrative Hearing Officer. The Administrative Hearing Officer shall hear and conduct all such appeals based upon a review of the written record alone, taking no new testimony or evidence. The written record shall consist of the land use

application that is the subject of the decision, the land use applicant's request for a Zoning Administrator interpretation, the Zoning Administrator interpretation or decision, and the Community Development Director's decision, including accompanying documents and materials.

(Ord. 2016-15, 10-19-2016) (Ord. 2013-04, 06-19-2013)

1-27-6. Administrative Interpretations.

(1) Initiation. Any person may request an administrative interpretation.

(2) Procedure. An application for an administrative interpretation shall be considered and processed as provided in this Section.

(a) A complete application shall be submitted to the office of the Zoning Administrator on a form established by the City along with any fee established by the City. The application shall include at least the following information:

(i) the name, address, and telephone number of the applicant and the applicant's agent, if any;

(ii) the specific provision or provisions of Title 7 for which an interpretation is requested;

(iii) specific facts of the situation which illustrate the need for an administrative interpretation;

(iv) the precise interpretation claimed by the applicant to be correct;

(v) the legal and other grounds that support the interpretation claimed by the applicant to be correct; and

(vi) when a use interpretation is requested the application shall include:

(A) a statement explaining why the proposed use should be deemed included within a use category allowed by the zoning district applicable to the property; and

(B) documents, statements, and other evidence demonstrating that the proposed use will conform to all use limitations established by the zoning district applicable to the property.

(b) After the application is determined by the City to be complete, the Zoning Administrator shall review the request and make an interpretation of Title 7 in accordance with the standards set forth in this Chapter.

(c) After making a decision, the Zoning Administrator shall provide to the applicant written notice of the decision, mailed to the address indicated on the application.

(d) A record of all Zoning Administrator administrative interpretations and decisions, all Community Development Director decisions, and all Administrative Hearing Officer decisions, issued pursuant to the provisions of this Chapter, shall be maintained in the office of the Zoning Administrator.

(3) Standards for Making Administrative Interpretations. The following standards shall apply to administrative interpretations.

(a) Administrative interpretations shall not add to, ignore, or amend the provisions of the Tooele City Code.

(b) Questions about the location of zoning district boundaries shall be resolved by applying the following standards:

(i) zoning district boundaries indicated as approximately following the edge or center line, as the case may be, of a street, alley, railroad, highway, or other public way, incorporated municipality, flood plain, body of water or topographic feature that was in existence when the boundary was established, shall be interpreted as following such edge or center line;

(ii) zoning district boundaries indicated as approximately following platted lot lines, block, or parcel tract boundaries shall be interpreted as following such lines;

(iii) when a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property and in the event vacated property is adjacent to two zones, each zone shall extend to the center line of the vacated property; and

(iv) when a physical or cultural feature existing on the ground is at odds with one shown on the Zoning Map, or when any other uncertainty exists with respect to a zone boundary, the Zoning Administrator shall determine the boundary location.

(c) An administrative interpretation shall be consistent with:

(i) The provisions of Title 7; and

(ii) Any previously rendered interpretations based on similar facts, unless those previous interpretations are determined to be incorrect.

(d) A use interpretation shall also be subject to the following standards:

(i) A use of a structure or property defined in the Tooele City Code shall be interpreted as provided as defined therein.

(ii) Any use specifically listed or otherwise designated as "not permitted" in a table of permitted and conditional uses for a particular zoning district shall not be allowed in that zone.

(iii) No use interpretation shall allow a use in a zoning district unless evidence is presented demonstrating that the use will conform to development standards established for that district.

(iv) No use interpretation shall allow a use in a particular zoning district unless findings of evidence are provided to demonstrate the use to be substantially similar to uses allowed in that zone.

(v) If a proposed use is most similar to a conditional use authorized in the zoning district in which it is proposed to be located, any interpretation allowing such use shall require that the use be approved only as a conditional use subject to Chapter 7-5 of the Tooele City Code.

(vi) No use interpretation shall allow the establishment of any use that would be inconsistent with

the statement of purpose of the zoning district in which it would be located.
(Ord. 2016-15, 10-19-2016) (Ord. 2013-04, 06-19-2013)

CHAPTER 28. ADMINISTRATIVE HEARING OFFICER

1-28-1. Appointment; qualifications.
1-28-2. Duties.
1-28-3. Hearing procedure.
1-28-4. Decision.
1-28-5. Appeals to District Court.
1-28-6. Hearing record.

1-28-1. Appointment; qualifications.

(1) The Mayor, with the consent of the City Council, shall appoint one or more Administrative Hearing Officers ("Hearing Officer") to hear appeals of certain administrative actions and decisions.

(2) The Hearing Officer shall be a resident of Tooele City and shall possess such qualifications as the Mayor may determine necessary for the fair and thorough determination of facts and application of law.

(3) The Hearing Officer may not be an elected official or a City employee.

(4) The Mayor may revoke the appointment of a Hearing Officer with the consent of the City Council.

(Ord. 2015-11, 03-18-2015) (Ord. 2013-07, 04-17-2013)

1-28-2. Duties.

(1) The duty of the Hearing Officer shall be to hear appeals of administrative actions or decisions as authorized by this Code.

(2) The Hearing Officer shall be the appeal authority in the event that this Code does not expressly provide an appeal authority for administrative actions or decisions related to the interpretation, application, or enforcement of the City's land use ordinances.

(Ord. 2013-07, 04-17-2013)

1-28-3. Appeal and hearing procedure.

(1) Unless provided specifically elsewhere in this Code, this Chapter shall govern appeals to the Hearing Officer. Where other provisions of this Code fail to address procedural matters addressed by this Chapter, this Chapter shall govern those procedural matters.

(2) Where authorized by this Code, any person directly adversely affected by an administrative action or decision of Tooele City may file a written appeal in the office of the City Recorder within 10 calendar days of the administrative action or decision being appealed.

(3) The appeal shall contain the name, address, and telephone number of the appellant, the date of the appeal, and the legal and factual grounds for the appeal, which grounds shall determine the scope of the administrative appeal hearing, hearing evidence, and judicial review of the Hearing Officer decision. The appeal shall include a copy of the written action decision, if applicable, that is the subject of the appeal.

(4) The Hearing Officer shall determine a schedule for the pre-hearing exchange of evidence, for the briefing of legal arguments, and for the hearing, and shall notify the parties of that schedule.

(5) The appellant may file a brief summarizing facts, evidence, and law applicable to the appeal, within the scope of the grounds stated in the appeal, and the City may file a responsive brief, both in accordance with the schedule established by the Hearing Officer.

(6) The Hearing Officer may accept any evidence he or she deems reliable. Evidence shall be submitted by proffer. The Hearing Officer may also allow witness testimony. The Hearing Officer shall not consider evidence or information not presented by the parties at the hearing or in pre-hearing briefs.

(7) In the appeal and the hearing, the City bears the burden of proving that substantial evidence exists to support the administrative action or decision being appealed.

(8) The parties may be represented by legal counsel in the hearing.

(9) Each party may cross-examine any witnesses called to testify by the other party. Each party must secure the attendance of their own witnesses.

(10) The Hearing Officer shall provide for the hearing to be recorded.

(11) The hearing shall be public.

(12) The Hearing Officer shall enforce principles of civility during the hearing.

(Ord. 2013-11, 06-19-2013); (Ord. 2013-07, 04-17-2013)

1-28-4. Decision.

(1) The Hearing Officer shall prepare written findings of fact and a decision (collectively "Decision") within a reasonable time after the hearing.

(2) The Decision shall be final for purposes of issuance on the date it is signed by the Hearing Officer

(3) The Decision shall be considered issued for purposes of appeal and enforcement on the date of transmittal to the appellant, either by mail, fax, email, or otherwise.

(4) The Hearing Officer shall cause the Decision to be transmitted to the parties by any reasonable means, including personal delivery, mail, fax, or email.

(5) The Decision shall be maintained in the office of the Tooele City Recorder.

(Ord. 2013-07, 04-17-2013)

1-28-5. Appeals to District Court.

(1) Any party to the appeal may appeal the Decision to the District Court no later than 30 calendar days after the issuance of the Decision.

(2) The standard of review to be employed by the District Court in its review of the Decision shall be substantial evidence in the record. The review shall not be *de novo*.

(3) For purposes of this Code, the term "substantial evidence" shall mean that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. This standard does not require or specify a quantity of evidence but requires only such

relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
(Ord. 2013-07, 04-17-2013)

1-28-6. Hearing record.

(1) The record of the hearing shall include all proffered evidence that is admitted by the Hearing Officer, all pre-hearing briefs submitted to the Hearing Officer, the audio recording of the hearing, and the Decision.

(2) Any party may make an audio or video recording of the hearing, but only the recording prepared by the City shall be considered part of the record of the hearing.
(Ord. 2013-07, 04-17-2013)

1-28-7. Appeal fees.

The City Council may require by resolution the payment of fees associated with appeals heard by the Hearing Officer.
(Ord. 2013-07, 04-17-2013)

TITLE 2. BOARDS

Chapter 1. Public Library.
Chapter 2. Tooele Valley Museum Advisory Board.
Chapter 3. Planning Commission.
Chapter 4. Variances.
Chapter 5. Repealed.
Chapter 6. Employee Grievance Appeal Board.
Chapter 7. Historical Preservation Commission.
Chapter 8. Accessibility Committee.
Chapter 9. Designation of Landmark Sites

CHAPTER 1. PUBLIC LIBRARY

2-1-1. Establishment of Public Library.
2-1-2. Nonresident use.
2-1-3. Library B - Appointment - Membership - Payment of Expenses.
2-1-4. Library Board- Terms - Election of officers - Removal - Vacancies - Duties.
2-1-5. Report of Library Director.
2-1-6. Donations.
2-1-7. Repealed.
2-1-8. Library fund.
2-1-9. Annual reports to City Council and Utah State Library Board.

2-1-1. Establishment of Public Library.

There is hereby established the Tooele City Public Library. The Library shall be forever free to the use of the citizens and residents of Tooele City, subject to such reasonable rules and regulations as proposed by the Library Board and adopted by the Mayor as regulations governing the management and use of the Library.
(Ord. 2025-08, 03-19-2025) (Ord. 1989-13, 08-02-1989)

2-1-2. Nonresident use.

The Mayor, upon the advice of the Library Board , may extend the privileges and use of the library to persons residing outside the limits of Tooele City upon such terms and conditions as prescribed by its regulations. Nonresidents will be required to provide at least partial consideration for the privilege of using the Library facilities and services.
(Ord. 2025-08, 03-19-2025) (Ord. 1989-13, 08-02-1989)

2-1-3. Library Board- Appointment - Membership - Payment of Expenses.

There is hereby appointed a Library Board, chosen from the citizens of Tooele City at large with reference to their fitness for such office. The Board shall consist of not less than five members and not more than nine members. Not more than one member of the City Council shall be, at any one time, a member of the Board. Board Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from Library funds. All Board members shall be appointed by the Mayor with the consent of the City Council. The Recorder shall notify such appointees and request from them a written acceptance of appointment. All appointees shall within 30 days of receipt of such notification file with the Recorder an acceptance of appointment. Should the same not be filed within 30 days, the person shall be considered to have declined the appointment, and the Mayor shall designate another person for appointment. The same procedure for appointment shall thereafter be followed.
(Ord. 2025-08, 03-19-205) (Ord. 1989-13, 08-02-1989)

2-1-4. Library Board- Terms - Election of officers - Removal - Vacancies - Duties.

Board members shall be appointed for three-year terms, or until their successors are appointed. Initially, appointments shall be made for one-, two- and three-year terms. Annually thereafter, the Mayor shall, with consent of the City Council, before the first day of July of each year, appoint for three-year terms Board members to take the place of the retiring members. Board members shall serve not more than two full terms in succession. Following such appointments, the Board members shall meet and elect a chair and such other officers, as they deem necessary, for one-year terms. The Mayor, with consent of the City Council, may remove any Board member for misconduct or neglect of duty. Vacancies in the Board, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as original appointments. The Library Board shall meet quarterly and shall make and adopt rules and regulations, not inconsistent with law, for the governing of the Library. The rules, regulations, and policies of the Library shall be effective upon the adoption and publication thereof by the Mayor.
(Ord. 2025-08, 03-19-2025) (Ord. 1989-13, 08-02-1989)

2-1-5. Report of Library Director.

The Library Director shall annually on or before the 31st day of June, report to the Mayor as to the number of Library materials on hand, the number added by purchase, gift or otherwise, referring to the titles of periodicals, rather than total number of the same, the number of books lost or missing; the number of patrons on a monthly basis, the number of books loaned out, and such other statistics information and suggestions as the Library Director may deem of general interest, or requested by the Mayor.
(Ord. 2025-08, 03-19-2025) (Ord. 1976-12, 04-12-1976)

2-1-6. Donations.

Any person desiring to make donations of money, personal property, or real estate, for the benefit of the Library shall have the right to vest the title to the money or real estate so donated in the name of Tooele City, to be held and credited to the general fund library account, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to the property, the City Council shall be held and considered to be special trustees.

(Ord. 2025-08, 03-19-2025) (Ord. 1976-12, 04-12-1976; Ord. 1967-3, 08-14-1967)

2-1-7. Repealed.
(Ord. 1989-13, 08-20-1989)

2-1-8. Library fund.

All funds previously maintained by the Board separately from the General Fund of Tooele City shall upon the final passage of this provision be transferred to the Tooele City general fund, and the funds and receipts accumulated or received from all sources by the operation of the Library shall hereafter be controlled by the Mayor, as part of the City budget general fund accounts.
(Ord. 2025-08, 03-19-2025) (Ord. 1976-12, 04-12-1976)

2-1-9. Annual reports to City Council and Utah State Library Board.

The Library Director shall make an annual report to the City Council and Mayor on the condition and operation of the Library, including a financial statement. The Director shall also provide for the keeping of records required by the Utah State Library Board in its request for an annual report from the public libraries, and shall submit such annual report to the state board.
(Ord. 2025-08) 03-19-2025) (Ord. 1989-13, 08-20-1989)

CHAPTER 2. TOOELE VALLEY MUSEUM ADVISORY BOARD

2-2-1. Creation of museum advisory board - Duties.
2-2-2. Removal of board members.
2-2-3. Donations.
2-2-4. Museum named.

2-2-1. Creation of museum advisory board - Duties.

(1) There is hereby created a museum advisory board of a minimum of seven members and a maximum of 14 members, one of whom shall be the mayor or the mayor's designee. Four of the members may be ex-officio members.

(2) The museum advisory board's chairperson shall be selected by a majority vote of the board members.

(3) Members of the museum advisory board shall serve without compensation for a term of three years. They are eligible at the end of the term for re-appointment for additional terms.

(4) All board members shall be appointed by the mayor with the consent of the council. The museum advisory board shall recommend new members for approval.

(5) Museum advisory board members shall be residents of Tooele Valley, with the exception of the four ex-officio members, who may not be.

(6) The city recorder shall notify such appointees as the mayor with the consent of the council shall designate, and request a written acceptance from them of their appointment. All designated appointees shall within 30 days file with the recorder an acceptance of appointment. Should the same not be filed within that period, the person shall be considered to have declined the appointment, and the mayor shall, with the consent of the council, designate another party for such appointment.

(7) Designated appointees, upon filing acceptance of appointment, shall automatically be members of the museum advisory board for the period of three years.

(8) The museum advisory board shall meet regularly as the mayor shall designate and shall determine and recommend rules, regulations, policies and procedures for the orderly operation and management of the museum facilities and services. The rules, regulations and policies of the board shall be effective upon the adoption and publication thereof by the mayor.

(9) All vacancies on the board occasioned by removal, resignation or otherwise, shall be reported to the mayor, who shall fill such vacancy pursuant to the manner of appointment provided in this section. (Ord. 94-57, 01-31-95); (Ord. 85-06, 06-05-85)

2-2-2. Removal of board members.

The mayor, by and with the consent of the council, may remove any museum advisory board member for misconduct or neglect of duty or other grounds constituting cause. If any member of the board should refuse or neglect to attend three consecutive monthly meetings without justifiable reason for the absence, this shall be grounds for removal. (Ord. 94-57, 01-31-95); (Ord. 85-06, 06-05-85)

2-2-3. Donations.

Any person desiring to make donations of money, personal property or real estate for the benefit of the museum shall have the right to vest the title to the money or real estate so donated in the name of Tooele City, to be held and credited to the general fund museum account, when accepted, according to the terms of the deed, gift, devise or bequest of such property. The council shall be held and considered to be special trustees of the property. (Ord. 94-57, 01-31-95); (Ord. 85-06, 06-05-85)

2-2-4. Museum named.

The museum shall be named "Tooele Valley Museum." (Ord. 94-57, 01-31-95); (Ord. 85-06, 06-05-85)

CHAPTER 3. PLANNING COMMISSION

2-3-1. Planning commission created.
2-3-2. Duties of planning commission.
2-3-3. Organization.
2-3-4. Assignments to each member.
2-3-5. Compensation.
2-3-6. Meetings.
2-3-7. Proceedings and records.
2-3-8. Removal from office.

2-3-1. Planning commission created.

There is herewith created a commission to be hereafter called the Planning Commission.
(Ord. 1978-26, 10-26-1978)

2-3-2. Duties of planning commission.

The duties of the Planning Commission shall be as follows:

(1) To make and certify to the City Council a zoning plan, including the text of zoning ordinances, and maps designating the boundaries of the various zoning districts of the City.

(2) To recommend changes, amendments, additions, and deletions to the zoning ordinances or maps within thirty days of any proposal being submitted to the Commission by the Community Development Director (Director). Failure of the Commission to make a recommendation within said thirty day period or to obtain an extension from the City Council prior to the expiration of said period shall be considered as the approval of the proposal for all purposes.

(3) To hold public hearings, make recommendations and certify to the City Council a master plan for at least the uses of the land within the boundaries of Tooele City.

The Commission may include in any master plan proposal areas outside the geographic boundaries of the City, if the Commission finds said areas bear relation to the proper or expected development of the community and the concurrence of the governing body of the county or municipality having jurisdiction to govern the area proposed to be included is first obtained.

(4) To amend, change, add to, delete or alter the master plan from time to time as the Commission shall see fit, with the concurrence of the City Council.

(5) To review all applications for building permits proposals of any person, company, corporation, partnership or other legal entity for all uses requiring a conditional use permit. Commercial buildings are buildings used for commercial purposes including residential structures greater than a fourplex. Said proposals include but are not limited to proposals to construct, erect, reconstruct, improve, repair, alter, move, divide, subdivide or use any improvement, fixture or parcel of real property within the City and the review shall be for the purpose of determining, if the proposal complies with the ordinances, codes, specifications, regulation or requirements of Tooele City and its departments. No construction, erection, reconstruction, improvement, repair, alteration, move, division or subdivision proposal for other than standard single family residences shall be implemented or commenced until said proposal has been approved by the Commission in accordance with this Code.

(6) To adopt a Major Street Plan for Tooele City indicating the existing and proposed major streets, roads, and thoroughfares of the community.

(7) To amend, change and to delete or alter the Master Street Plan, from time to time as the Commission shall see fit, with the concurrence of the City Council.

(8) To review all redevelopment agency recommendations regarding the selection and designation of a redevelopment project area and project plans to make its recommendation regarding the selection and designation thereof to the City Council.

(9) In general, to have all powers as may be necessary or convenient to provide for, promote, and perform municipal planning.

All city staff personnel, private consultants, and planners shall be under the immediate supervision of the Director.

The Commission shall also have among its powers, the right and authority to enter upon any land, at reasonable times, to make examinations, surveys, or to place markers and monuments; to make reports and recommendations to the City Council or other public agencies and bodies, and the public in general, regarding the planning and development of the City. (Ord. 2018-05, 02-21-2018) (Ord. 2004-10, 09-15-2004) (Ord. 1981-35, 01-07-1982) (Ord. 1978-26, 10-26-1978)

2-3-3. Organization.

There shall be seven members of the City Planning Commission, three of whom shall be appointed by the City Council, and four of whom shall be appointed by the Mayor. The City Council and Mayor may each appoint an Alternate Commissioner, to act with full authority for an absent Commissioner. The initial appointment shall be for staggered terms as determined by the Mayor. All appointments after the initial appointments shall be for periods of four (4) years each, beginning on January 1 of even-numbered years.
(Ord. 2006-09, 03-29-2006) (Ord. 2005-04, 02-02-2005) (Ord. 2004-10, 09-15-2004) (Ord 1999-31, 12-01-1999) (Ord. 1979-03, 04-05-1979)

2-3-4. Assignments to each member.

The chairman may assign specific areas of concern to each member of the Commission and said members of a subcommittee of such composition as the member and the Mayor shall see fit. The Commission member shall be the Chairperson of the subcommittee he/she is appointed to, and the subcommittee shall assist the

commission member in the area of his special concern as designated by the Commission Chairperson.
(Ord. 2004-10, 09-15-2004) (Ord. 1978-26, 10-26-1978)

2-3-5. Compensation.

The members of the Commission shall receive such salary and reimbursement for expenses as the City Council shall from time to time by resolution determine. Any subcommittee members appointed shall serve without compensation other than for reimbursement of out-of-pocket expenses incurred with the prior approval of the Chairman of the Commission.
(Ord. 1979-03, 04-05-1979)

2-3-6. Meetings.

The Commission shall meet at least once each month and all meetings shall comply with the Open and Public Meeting Law of the State of Utah, Section 52-4-1 et seq. Should any member of the Commission fail to attend three consecutive meetings without first having made arrangements to be excused, he shall be automatically ineligible for membership on the Commission; and his position shall vacate, to be filled by appointment of the Mayor in the manner heretofore prescribed.
(Ord. 2004-10, 09-15-2004) (Ord. 1978-26, 10-26-1978)

2-3-7. Proceedings and records.

The Commission proceedings and records, the comprehensive plan, and the ordinances administered and enforced by the Commission shall be available for public inspection at all times during regular business hours. Copies of all ordinances shall be available for purchase at such cost as the Mayor shall determine to be adequate to reimburse the general fund for the cost of the preparation and administration of selling the documents.

The Director shall see that the Commission Secretary or other designee prepares the minutes of all meetings of the Commission and that the same are prepared and preserved by the Director.

Minutes shall be deemed the official record of the meeting upon the approving vote of the Commission and the approving signature of the Commission chairperson or designee.

On or before the 31st day of June of each year, the Director shall present to the City Council and the Mayor an annual report covering the activities of the Engineer's Office and the Commission.
(Ord. 2009-14, 10-21-2009) (Ord. 2004-10, 09-15-2004) (Ord. 1978-26, 10-26-1978)

2-3-8. Removal from office.

(1) Members of the Planning Commission serve at the pleasure of the appointing authority, whether the Mayor or the City Council. Members of the Planning Commission do not have a property interest in their position on the Planning Commission.

(2) Members of the Planning Commission may be removed from office by the appointing authority, whether the Mayor or the City Council, for cause. Cause shall include unprofessional conduct, dishonesty, insulting or abusive behavior, conflicts of interest that remain unresolved after notice, criminal acts, and malfeasance in office.
(Ord. 2014-06, 05-07-2014)

CHAPTER 4. VARIANCES

2-4-1. Board of adjustment - Appointment - Term - Vacancy. (Repealed)
2-4-2. Organization - Procedures. (Repealed)
2-4-3. Powers and duties.
2-4-4. Appeals. (Repealed)
2-4-5. Routine and uncontested matters. (Repealed)
2-4-6. Repealed. (Ord. 93-08, 05-13-93)
2-4-7. Variances.
2-4-8. District court review of board of adjustment decision. (Repealed)

2-4-1. Board of adjustment - Appointment - Term - Vacancy. (Repealed)
(Ord. 2016-15, 10-19-2016)

2-4-2. Organization - Procedures. (Repealed)
(Ord. 2016-15, 10-19-2016)

2-4-3. Powers and duties.

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

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

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

(2) The Zoning Administrator may make determinations regarding the existence, expansion, or modification of nonconforming uses.
(Ord. 2016-15, 10-19-2016) (Ord. 2006-24, 11-15-2006) (Ord. 1993-08, 05-13-1993)

2-4-4. Appeals. (Repealed)
(Ord. 2016-15, 10-19-2016)

2-4-5. Routine and uncontested matters. (Repealed)
(Ord. 2016-15, 10-19-2016)

2-4-6. Repealed.
(Ord. 2006-24, 11-15-2006)

2-4-7. Variances.

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

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

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

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

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

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

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

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

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

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

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

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

(i) relate to the hardship complained of; and

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

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

(4) Variances run with the land.

(5) Use variances shall not be granted.

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

(a) mitigate any anticipated detrimental effects of the variance; or

(b) serve the purpose of the zoning standard or requirement that is waived or modified.
(Ord. 2016-15, 10-19-2016) (Ord. 1993-08, 05-13-1993)

2-4-8. District court review of board of adjustment decision. (Repealed)
(Ord. 2016-15, 10-19-2016)

CHAPTER 5. REPEALED. (Ord. 99-33, 12-01-99)

CHAPTER 6. EMPLOYEE GRIEVANCE APPEAL BOARD

2-6-1. Establishment of employee grievance appeal board.
2-6-2. Selection of Board Members and alternates.
2-6-3. Vacancies.
2-6-4. Conflicts of interest.
2-6-5. Hearing Procedure.
2-6-6. Court of Appeals.

2-6-1. Establishment of employee grievance appeal board.

There is herewith established an Employee Grievance Appeal Board (hereinafter in this Chapter the "Board").
(Ord. 2006-01, 01-04-2006); (Ord. 91-02, 06-14-91)

2-6-2. Selection of Board members and alternates.

(1) Three members of the board shall be elected in December or January by popular vote of the regular status employees of Tooele City. The election shall be effectuated by the Human Resources Director. If the popular vote results in a tie, the City Recorder shall randomly select one name of those tied to serve on the Board. Three alternates shall be elected in the same manner. The Board members shall serve staggered two-year terms, running from January 1 to December 31. At the first election held, two members shall be selected to serve a two-year term and one member shall be selected to serve a one-year term. Thereafter all terms shall be two years unless terminated sooner as provided herein.

(2) The Tooele City Council, in January of each year following a municipal election, shall appoint two individuals to serve as Board members and a first and second alternate. The City Council shall designate one appointee to serve as Chair of the Board during the appointee's Board term.
(Ord. 2006-01, 01-04-2006); (Ord. 91-02, 06-14-91)

2-6-3. Vacancies.

(1) Whenever a vacancy occurs in the Board due to a conflict of interest, death, illness, accident, termination or resignation of a Board member, the first alternate Board member shall hear the appeal. If the first alternate is unavailable or disqualified, the second and successive alternates shall hear the appeal. The alternate Board member shall come from the same representing group (i.e. City Council appointment v. popular vote) from which the vacancy occurred.
(Ord. 2006-01, 01-01-2006); (Ord. 91-02, 06-14-91)

(2) When a vacancy is filled with an alternate on a temporary basis, the alternate shall fill the vacancy for the specific appeal at issue and then revert back to alternate status. When a vacancy is protracted or permanent, the alternate shall fill the vacancy for the balance of the absent Board member's term. Questions regarding the temporariness or permanency of a vacancy shall be resolved by a vote of the non-absent Board members.
(Ord. 2006-01, 01-04-2006)

2-6-4. Conflicts of interest.

(1) Board members shall avoid the appearance of impropriety in their actions including avoiding conflicts of interest, undue bias, or prejudice.

(2) Conflicts of interest may occur when the appealing employee and a Board member, for example:

(a) are relatives, as defined in the City's Nepotism policy;

(b) are close neighbors;

(c) are close friends;

(d) have a minister / congregant relationship

(e) have made a campaign contribution to or received a campaign contribution from one or the other;

(f) are immediate co-workers;

(g) have a direct supervisor/subordinate relationship; or,

(h) have both filed grievances involving the same or similar occurrences or issues.

(3) Any party alleging that a conflict of interest exists shall submit a letter in writing to the City Recorder in advance of the hearing date. The City Recorder shall forward the letter to the Board Chair.

(4) A Board member who has been identified as potentially having a conflict of interest may temporarily resign or may be removed from the hearing by majority vote of the remaining Board members.
(Ord. 2006-01, 01-04-2006); (Ord. 91-02, 06-14-91)

2-6-5. Hearing Procedure.

(1) After exhausting all procedural steps afforded to employees by Tooele City's Personnel Policies and Procedures, an employee may appeal to the Appeal Board if the decision resulted in any of the following:

(a) involuntary separation (i.e., termination or dismissal);

(b) suspension without pay for more than two days;

(c) involuntary transfer from one position to another with less remuneration; or,

(d) involuntary demotion to a position of less remuneration.

(2) Appeals to the Appeal Board must be submitted to the City Recorder's Office within ten (10) working days after receiving the final decision from internal grievance processes. The City Recorder will promptly refer a copy of the appeal to the Appeal Board members. Upon receipt of the appeal, the Appeal Board will have up to twenty (20) working days to schedule and conduct a hearing.

(3) Appealing employees have the right to appear before the Appeal Board in person, to be represented by legal counsel, to present their own witnesses and evidence, to have a public hearing, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeal Board. Appealing employees do not have the right to

require the City to compel the attendance of witnesses not under the City's direct control.

(4) The defending City representative has the right to appear before the Appeal Board in person, to be represented by counsel, to present their own witnesses and evidence, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeal Board.

(5) The Appeal Board is entitled to determine the following:

(a) whether the appealing employee was afforded adequate due process;

(b) whether the adverse employment action was lawful;

(c) whether the adverse employment action was supported by substantial evidence; and

(d) whether applicable, established Tooele City Policies and Procedures were substantially followed.

(6) The Appeal Board may not decide an appeal based upon an interpretation of law or policy different from that of managers, override or modify policy previously approved by the City Council by ordinance, override or modify duly enacted laws or regulations, or render findings based on superseded laws, policies, procedures, or practices.

(7) Each decision of the Appeal Board is by secret ballot. The Appeal Board shall transmit the ballots to the City Recorder. The Appeal Board will communicate to the City Recorder the results of the vote within five (5) working days from the date of the appeal hearing. For good cause, the Appeal Board may extend the 5-day period to a maximum of fifteen (15) working days. The City Recorder, in turn, will communicate the decision to the appealing employee and to the Mayor.

(8) If the Appeal Board finds in favor, in full or in part, of the appealing employee, the Appeal Board must provide that the employee receive either (i) the employee's salary for the period of time during which the employee is discharged or suspended without pay, or (ii) any deficiency in salary for the period during which the employee was transferred or demoted to a position of less remuneration. Any reinstatement of salary shall be offset by any compensation the employee received from other employment during the pendency of the appeal. Insurance reinstatement is under the control of the respective insurer and reinstatement may still result in the employee being subject to re-hire status, pre-existing condition clauses, etc.

(9) Both the City and the appealing employee may submit documents and other evidence to the Board in advance of the hearing. Any materials sent to the Board shall be sent to the opposing party at the same time and in the same manner.

(10) Separate from the hearing, the Board shall not independently investigate the facts and circumstances giving rise to the appeal.

(11) Prior to the hearing, Board members shall not discuss with any employee, witness, or other party, directly or indirectly, the facts and circumstances giving rise to the appeal.

(12) The Board shall have the discretion to determine matters of hearing procedure, including:

(a) the date, time, and place of the hearing;

(b) whether to allow opening statements;

(c) whether to allow closing statements;

(d) the order in which evidence is to be presented;

(e) whether to allow argument on the evidence;

(f) the length of time each party has to present statements and argument, if any, and evidence;

(g) pre-vote deliberations;

(h) the preparation of findings of fact; and,

(i) other procedural matters.

(13) The Appeal Board will deliver to the City Recorder written findings supporting the majority vote.

(14) The City Recorder will keep a record of the appeal. The record will include, among other things, the following:

(a) the marked ballots;

(b) the findings;

(c) any recording of the appeal proceedings; and,

(d) all evidence and materials submitted to the Board by the City and by the appealing employee.

(Ord. 2006-01, 01-04-2006); (Ord. 91-02, 06-14-91)

2-6-6. Court of Appeals.

(1) The result of the Appeal Board's secret ballot vote may be appealed by either the City or the appealing employee to the Utah Court of Appeals by filing with that Court a Notice of Appeal pursuant to U.C.A. §10-3-1106 (1953), as amended.

(2) In the event an appeal is filed with the Court of Appeals, the decision of the Appeal Board, including payment of back wages, will be automatically stayed from the date of the Appeal Board's vote until a ruling has been rendered by the Court of Appeals.

(Ord. 2006-01, 01-04-2006)

CHAPTER 7. HISTORICAL PRESERVATION COMMISSION

2-7-1. Historical preservation commission.
2-7-2. Duties.

2-7-1. Historical preservation commission.

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

(Ord. 2023-10, 03-01-2023) (Ord. 1985-02, 02-28-1985)

2-7-2. Duties of the commission.

It shall be the duty of the Commission to:

(1) Survey and inventory community historic resources.

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

(2) Review Proposed Nominations to the National Register of Historic Places.

The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for the properties within the boundaries of Tooele City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission will seek expertise in this area before rendering its decision.

(3) Provide advice and information.

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

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

(4) Enforcement of State Historic Preservation Laws.

The Commission shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to the following Utah Code Sections: Utah Code Annotated Section 11-18-2, "The Historic District Act"; Utah Code Annotated Sections 63-18-25, 27, and 30 regarding the protection of Utah antiquities; and Utah Code Annotated Section 63-18-37 regarding notification of the State Historic Preservation Office of any known proposed action which would destroy or effect a site, building or object owned by the State of Utah and included on or eligible for the State of National Registers.

(Ord. 1985-02, 02-20-1985)

CHAPTER 8. ACCESSIBILITY COMMITTEE

2-8-1. Establishment of Accessibility Committee - Responsibilities.
2-8-2. Committee membership.
2-8-3. Committee member terms of service - Election of officers - Removal -Vacancies - Duties.
2-8-4. Quarterly reports to city council.

2-8-1. Establishment of Accessibility Committee - Responsibilities.

(1) There is hereby established an Accessibility Committee.

(2) The committee shall bear the responsibility of completing on or before July 26, 1992 a "transition plan" identifying all obstacles to accessibility in City facilities and programs, and providing a detailed plan and schedule to correct the problems.

(3) The committee shall also complete by January 26, 1993 an evaluation of all city services, programs and policies to identify all barriers to accessibility.

(4) The committee shall review for disabled accessibility all plans and designs for new construction in the city, both public and private, and make recommendations and give advice to the city engineer and building inspector regarding such plans.

(5) The committee shall evaluate and report on the city's compliance with the ADA. (Ord. 99-32, 12-01-99); (Ord. 92-07, 3-4-92)

2-8-2. Committee membership.

The Accessibility Committee shall consist of three members, two of whom shall be chosen from the citizens of Tooele City at large with reference to their fitness for such office, and the other representing the city community development department. The committee members shall serve without compensation. All members shall be appointed by the mayor with the consent of the city council. The city recorder shall notify such appointees and request from them a written acceptance of appointment. All appointees shall within 30 days of receipt of such notification file with the recorder an acceptance of appointment. Should the same not be filed within 30 days, the person shall be considered to have declined the appointment and the mayor shall designate another person for appointment. The same procedure for appointment shall thereafter be followed. (Ord. 99-32, 12-01-99); (Ord. 92-07, 3-4-92)

2-8-3. Committee member terms of service - Election of officers - Removal - Vacancies - Duties.

Accessibility committee members shall be appointed for a two-year term. Following their appointments, the members shall meet and elect a chairman and such other officers as they deem necessary. The mayor, with consent of the city council, may remove any director for misconduct or neglect of duty. Vacancies in the board of committee members, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as original appointments. The Accessibility committee shall establish their own schedule of meetings. (Ord. 99-32, 12-01-99); (Ord. 92-07, 3-4-92)

2-8-4. Quarterly reports to city council.

The Accessibility committee shall make a quarterly report to the city council and mayor on the progress toward creating the transition plan and the self-evaluation due January 26, 1993. (Ord. 99-32, 12-01-99); (Ord. 92-07, 3-4-92)

CHAPTER 9. DESIGNATION OF LANDMARK SITES

2-9-1. Designations.
2-9-2. Criteria for designations
2-9-3. Process for landmark site designations
2-9-4. Recordation for landmark sites
2-9-5. Certificate off appropriateness for landmark sites
2-9-6. Construction upon a landmark site
2-9-7. Demolition Prohibited
2-9-8. Remedy for violation

2-9-1. Designations.

Upon application of the property owner or by recommendation from the Historic Preservation Commission with written consent of the property owner, the Planning Commission may designate certain areas or structures as landmark sites if the property satisfies the criteria in this section.
(Ord. 2023-39, 01-17-2024)

2-9-2. Criteria for designations

Any building, structure, or site (hereinafter referred to as "historic resource") may be designated as a Tooele City landmark site if it meets the criteria in subsections 2a through 2c of this Section, and at least one (1) of the other criteria set forth in subsections 2d through 2g of this Section:

(a) It is located within the boundaries of Tooele City.

(b) It is at least seventy-five (75) years old.

(c) There are no major alterations or additions that have obscured or destroyed significant historic features, such as: changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, or additions which significantly detract from or obscure the original form and its appearance when viewed from the public rights-of-way.

(d) It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6. Properties listed on or determined to be eligible for the national register must still retain their structural, architectural, and historic integrity. This process may be undertaken by consulting the State Historic Preservation Office to conduct a Reconnaissance Level Survey.

(e) It is associated with events that have made a significant contribution to the broad patterns of the history of the city, state, or nation.

(f) It embodies the distinctive characteristics of a rare or unique type, period, or method of construction, or represents the work of an architect or builder recognized as a master in their field, or possesses high artistic values or style, or represents a significant and distinguishable entity whose components may lack individual distinction.

(g) It has yielded or may be likely to yield information important in prehistory or history (archaeological sites, for example). (Ord.2024-39, 09-19-2024)

2-9-3. Process for landmark site designations

(a) Application: Any person, group or association may nominate a prospective historic resource for formal designation. The initiation of designation proceedings must be made by submitting to the Economic Development Department an application on a form furnished by the Department. The Department shall deliver all applications to the Historic Preservation Commission. The Commission, on its own motion, may initiate proceedings for the designation of a potential historic resource. The application shall be similar in form to that used for the National Register of Historic Places.

(b) Notice to Owner: Notice that an application for designation is being considered by the Historic Preservation Commission shall be given to the owner or owners of record of the historic resource. The owner or owners shall be notified by regular U.S. mail, at the mailing address on record with the Tooele County Recorder, and at the property address, at least five (5) business days prior to Commission consideration of the application. The owner or owners shall have the right to confer with the Commission prior to final action by the Commission.

(c) Recommendation of Commission: Following any investigation deemed necessary by the Commission, but in no case more than sixty (60) days after the receipt of any application for designation, the Historic Preservation Commission shall make a formal recommendation regarding the application. If designation proceedings are initiated by the Commission, final recommendation shall be made by the Commission no more than sixty (60) days after such initiation. The Commission's recommendation shall be in writing and signed by the chairperson of the Commission, and shall state the reasons for the recommendation. The recommendation may be limited to the proposed historic resource as described in the application, or may include other historic resources.

(d) Forward Recommendations to Planning Commission: Within thirty (30) days after the final recommendation of the Historic Preservation Commission on a designation application, the Commission shall forward each application to the Planning Commission, together with the Commission's recommendations.

(e) Action by Planning Commission: After considering the Historic Preservation Commission's recommendations, the Planning Commission may, by resolution, designate historic resources. Prior to the

passage of the resolution, the Planning Commission shall hold a public hearing, notice of which shall be published online at Utah Public Notice, on the Tooele City website, and mailed to the owner or owners of property proposed for designation. Notice shall be as described in this Section. Following designation by resolution, a notice of such shall be mailed to the owners of record together with a copy of the designation resolution and of this Title.

(f) Amend or Rescind: After an historic resource has been formally designated by the Planning Commission, the designation may be amended or rescinded in the same manner as the original designation was made.

2-9-4. Recordation of landmark site designation:

Upon official designation, the City Recorder shall record the designation resolution with the County Recorder's Office. The City Recorder will also deliver copies of all designation resolutions to the Economic Development Department. (Ord.2024-39, 09-19-2024)

2-9-5. Certificate off appropriateness for landmark sites:

After the Planning Commission's approval of a designation resolution and prior to construction, landmark sites may be granted a certificate of appropriateness only if the following conditions are satisfied:

(1) Substantial investment is made to upgrade the property and enhance its historic significance.

(2) Any renovation maintains or enhances the historic, architectural and aesthetic features of the property.

(3) The Planning Commission may impose such other conditions for granting a certificate of appropriateness as it deems necessary to protect the character of the landmark site. (Ord.2024-39, 09-19-2024)

2-9-6. Construction upon a landmark site:

Any construction upon a landmark site that materially changes the exterior appearance of, adds to, reconstructs, or alters a landmark site shall require a certificate of appropriateness from the Planning Commission. Applications for such permits shall be made to the Historic Preservation Commission who shall recommend the granting or denial of the certificate to the Planning Commission. The Planning Commission shall have final authority to grant or deny a permit to construct that is consistent with standards set forth herein. A certificate of appropriateness shall be required for alterations such as but not limited to:

(a) Any construction that requires a building permit

(b) Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;

(c) Relocation of a structure or object on the same site or to another site;

(d) Construction of additions or decks;

(e) Alteration or construction of accessory structures, such as garages, carports, sheds, accessory dwelling units, etc.;

(f) Alteration of windows and doors, including replacement or changes in fenestration patterns;

(g) Construction or alteration of porches;

(h) Masonry work, including, but not limited to, tuckpointing, sandblasting and chemical cleaning;

(i) Construction or alteration of site features including, but not limited to, fencing, walls, paving and grading;

(j) Installation or alteration of any exterior sign;

(k) Any demolition;

(l) Change, addition of, or removal of exterior paint; and

(m) New construction.

(Ord.2024-39, 09-19-2024)

2-9-7. Demolition Prohibited:

No structure of building within a landmark site designation shall be demolished or removed unless the structure poses an immediate hazard to human health and safety. An owner's application for landmark site designation includes the owner's (1) acknowledgment of and agreement to construction limitations and demolition prohibitions on the site, (2) waiver of construction and demolition rights the owner might otherwise have, and (3) release of claims against Tooele City and its officers, agents, boards, and employees. The landmark site application form shall expressly state this owner acknowledgment, agreement, and waiver, with the location for the owner's signature. (Ord.2024-39, 09-19-2024)

2-9-8. Remedy for violation:

Application for, assistance with, and use of grant funding for landmark sites shall be conditioned upon the Owner's agreement to comply with the provisions of this Chapter. Persons who violate this ordinance through unapproved demolition, construction, or modifications to landmark sites shall be required to correct or remedy improper construction and to restore the landmark site to the former, historic condition.

(Ord.2024-39, 09-19-2024)

TITLE 3. FIRE

Chapter 1. Fire Department.
Chapter 2. Flammable Liquids. Repealed.
Chapter 3. Fire Code.
Chapter 4. Fireworks.
Chapter 5. Local Fire Officer.
Chapter 6. Fire Code: Enforcement and Abatement.
Chapter 7. Fire Alarms.

CHAPTER 1. FIRE DEPARTMENT

3-1-1. Fire Chief.
3-1-2. Duties and powers.
3-1-3. Fire Marshal.
3-1-4. Authority.
3-1-5. Unlawful interference.
3-1-6. Investigation.
3-1-7. Burning of solid waste; recreational fires.
3-1-8. Penalties.

3-1-1. Fire Chief.

The Mayor, with the consent of the City Council, shall appoint the Chief of the Fire Department, who shall serve as the department head. The Fire Chief shall appoint Department officers, members, and staff, and shall otherwise administer the Department assets and activities, and perform Department functions.
(Ord. 2024-31, 11-06-2024)

3-1-2. Duties and powers.

The Fire Chief shall have authority over fire prevention and fire suppression activities, including protecting life and property from fires and related hazards within the City. The Fire Chief may divide the City into fire districts. The Fire Chief may make such rules and regulations for the government of the Fire Department, as deemed expedient, including the use of uniform, badge, and equipment. The Fire Chief shall have command over all officers and members of the Fire Department at any fire or other hazard emergency scene. The Fire Chief shall have full charge of all apparatus, equipment, buildings, property, and appurtenances belonging to the Fire Department.
(Ord. 2024-31, 11-06-2024)

3-1-3. Fire Marshal.

The Fire Chief shall appoint a Fire Marshal, whose duties shall include the following: inspections of structures and locations to ensure compliance with the Utah Fire Prevention and Safety Law, International Fire Code and adopted appendices, and building codes as adopted by the City; enforce applicable fire safety codes, ordinances, and regulations; respond to citizen's complaints; investigate fire cause; manage the Department's fire prevention program; and, other duties and responsibilities customarily appertaining to the position or as assigned by the Fire Chief. The Fire Marshal shall work under the general supervision of the Fire Chief.
(Ord. 2024-31, 11-06-2024)

3-1-4. Authority.

(1) The Fire Chief and Department officers have all authority set forth in the International Fire Code, which includes the authority to extinguish any fire that creates or adds to a hazardous or objectionable situation or that violates State or City laws or ordinances.

(2) When a fire is in progress, the Fire Chief and Department officers shall have the discretion to order any building or buildings involved in or in close proximity to a fire to be torn down or otherwise disposed of for the purpose of checking for fire extension, determining fire cause, and to prevent fire spread.

(3) When responding to a fire, it shall be lawful for the Fire Chief and Department officers to blockade any street or other place if in their judgment it is necessary to secure a safe and efficient working zone for fire personnel and apparatus under their command. It shall be unlawful for any person to break through the blockade.

(4) When responding to a fire, it shall be lawful for the Fire Chief and Department officers to use water from any source for the purpose of extinguishing fires or for saving property in danger of being damaged or destroyed by fires.

(5) The fire officer in charge, in conjunction with the police department officer in charge, may prescribe the limits in the vicinity of a fire within which no person, except members of the Fire Department, and police, or those admitted by order of the officer in charge, shall be permitted. It shall be unlawful for any unauthorized person to enter the restricted area.
(Ord. 2024-31, 11-06-2024)

3-1-5. Unlawful interference.

It shall be unlawful for any person to willfully hinder any fire officer or firefighter in the discharge of their duty at a fire or fire scene, or in any manner injure, deface, or destroy any engine, hose, or other fire apparatus belonging to the City, or in any way interfere with the water or its source of supply.
(Ord. 2024-31, 11-06-2024)

3-1-6. Investigation.

Once a fire is extinguished, the Fire Department shall: make a prompt and thorough investigation of the fire cause, the time of the fire, and the amount of loss; shall prepare a description of the affected buildings and premises; shall secure all other useful information and data reasonably available; and, shall record the same in the National Fire Incident Reporting System (NFIRS). The Fire Department has the right to enter any building,

or real property, for fire suppression activities and the associated investigation. Once lawfully present, the Fire Department may keep custody of the incident scene for a reasonable time without a need for a warrant in order to conduct their investigation.
(Ord. 2024-31, 11-06-2024)

3-1-7. Burning of solid waste; recreational fires.

(1) Definitions. For this Section, the following terms are defined as follows:

(a) "Nuisance" means a state of being offensive or objectionable to a reasonable person because of smoke or odor emissions and/or a state of being hazardous to human health under present atmospheric conditions or other local circumstances;

(b) "Open burning" means the burning of material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber, including any fire or smoldering (burning with or without visible flames) where any material is burned in the outdoor air or receptacle other than a furnace or fireplace connected to a stack or chimney;

(b) "Out-of-control fire" means a fire that is not under the management or control of a person 18 years of age or older, such that the fire burns wild, without direction, and/or in such a way as to quickly flourish or spread;

(c) "Waste" means all solid, liquid, or gaseous material, including garbage, trash, household waste, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings, garden trash, construction or demolition debris, refuse resulting from the processes of any business, trade, or industry, and/or other similar materials. "Waste" does not include paper, charcoal, and wood products used for recreational fires or cooking, as regulated in this Chapter.

(2) General Rule. It shall be unlawful for any person, for the purpose of final disposal thereof, to engage in open burning of any waste on any lot, street, alley, gutter, or on any other land, public or private.

(3) Exception. Recreational or cooking fires are allowed by persons on their own property so long as:

(a) the recreational or cooking intention for the fire is evident;

(b) the fire pile height does not exceed 12 inches above the bottom of the fire ring, fire pit, or other fire containing structure at any time;

(c) the fire is contained within a non-combustible fire ring, fire pit, or other fire containing structure no larger than 36 inches in diameter;

(d) the fire is attended and under the control of a person 18 years of age or older, until the fire is completely extinguished;

(e) fire extinguishing items are immediately on-hand (e.g., hose, shovel, water bucket, fire extinguisher); and,

(f) the fire does not become a nuisance to neighboring properties or an out-of-control fire.

(4) Any person who ignites a fire that becomes a nuisance or an out-of-control fire will be responsible for all suppression costs and other losses resulting therefrom.
(Ord. 2024-31, 11-06-2024)

3-1-8. Penalties.

(1) A violation of Section 3-1-5 is a class B misdemeanor.

(2) Any other violation of this Chapter is a class C misdemeanor.
(Ord. 2024-31, 11-06-2024)

CHAPTER 2. F L A M M A B L E L I Q U I D S .
Repealed. (Ord. 2024-31, 11-06-2024)

CHAPTER 3. FIRE CODE

3-3-1. International fire code.
3-3-2. Enforcement.
3-3-3. Definitions.
3-3-4. Conflict.
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3-3-6. Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited. (Repealed)
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3-3-11. Appeals. (Repealed)
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3-3-13. Penalties.
3-3-14. Internal Coaxial Antennas. (Repealed)
3-3-15. Smoke and Heat Vents. (Repealed)
3-3-16. Key Lock Box System.

3-3-1. International Fire Code.

Tooele City recognizes that the State of Utah has adopted the International Fire Code, as amended and/or revised, as law governing the State of Utah and all political subdivisions thereof. To the extent that Tooele City is not preempted by the law of the State of Utah from adopting the International Fire Code as an ordinance of Tooele City, its most current edition is so adopted, including its Appendices B, C, D, F, and H.
(Ord. 2025-01, 01-15-2025) (Ord. 2022-44, 12-21-2022) (Ord. 2005-14, 06-15-2005) (Ord. 2004-15, 10-20-2004) (Ord. 1998-04, 01-21-1998) (Ord. 1995-04, 05-19-1995)

3-3-2. Enforcement.

The International Fire Code and the International Fire Code Standards shall be enforced by the Fire Department in coordination with the Community Development Department.
(Ord. 2022-05, 02-02-2022) (Ord. 2004-15, 10-20-2004) (Ord. 1995-04, 05-19-1995)

3-3-3. Definitions.

As used in the "International Fire Code":

(1) “Authority having jurisdiction” means Fire Chief or Fire Marshal.

(2) “Fire Code Authority” or “Fire Code Official” means Fire Marshal.

(3) "Jurisdiction" means Tooele City.
(Ord. 2025-01, 01-15-2025) (Ord. 2004-15, 10-20-2004) (Ord. 1995-04, 05-19-1995)

3-3-4. Conflict.

The provisions of the International Fire Code shall be read and interpreted whenever possible so as to comply with the provisions of the zoning, building, and other ordinances of Tooele City. If a conflict between the International Fire Code and another ordinance arises, the conflicting provisions shall be interpreted to first provide for the greatest safety of the property and citizens of the community, and second to provide as nearly as possible for the accomplishment of the intent of the "International Fire Code.
(Ord. 2025-01, 01-15-2025) (Ord. 2004-15, 10-20-2004) (Ord. 1995-04, 05-19-1995)

3-3-5. Applications made under the International Fire Code.

Applications for permits made under the International Fire Code shall be made to the Fire Marshal.
(Ord. 2025-01, 01-15-2025) (Ord. 2004-15, 10-20-2004) (Ord. 1995-04, 05-19-1995)

3-3-6. Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited. (Repealed)

(Ord. 2025-01, 01-15-2025)

3-3-7. Establishment of limits in which storage of liquefied petroleum gases is to be restricted. (Repealed)

(Ord. 1995-04, 05-19-1995)

3-3-8. Establishment of limits of districts in which storage of explosive materials is to be prohibited. (Repealed)

(Ord. 2025-01, 01-15-2025)

3-3-9. Flammable and combustible liquids. (Repealed)

(Ord. 2025-01, 01-15-2025)

3-3-10. Fires on paved streets prohibited.

It is unlawful for any person to build, maintain, or assist in building or maintaining any fire upon any paved street. A violation of this section is a class C misdemeanor.
(Ord. 2025-01, 01-15-2025) (Ord. 1995-04, 05-19-1995)

3-3-11. Appeals. (Repealed)

(Ord. 2025-01, 01-15-2025)

3-3-12. New materials, processes, or occupancies which may require permits. (Repealed)

(Ord. 2025-01, 01-15-2025)

3-3-13. Penalties.

(1) Any person who violates or fails to comply with any of the provisions of this chapter, the International Fire Code, or the International Fire Code Standards, is guilty of a class C misdemeanor.

(2) Any person who violates or fails to comply with any order or other action taken by the Fire Department pursuant to the International Fire Code or International Fire Code Standards is guilty of a class C misdemeanor, if the order or other actions is not appealed or is affirmed upon appeal.

(3) Any person who violates any order or other action taken by the Fire Department pursuant to the International Fire Code or International Fire Code Standards as subsequently modified upon appeal is guilty of a class C misdemeanor.

(4) All appeals must be taken in accordance with the International Fire Code.

(5) When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(6) The application of any penalty identified in this Section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2025-01, 01-15-2025) (Ord. 2004-15, 10-20-2004) (Ord. 1995-04, 05-19-1995)

3-3-14. Internal Coaxial Antennas. (Repealed) (Ord. 2025-01, 01-15-2025)

3-3-15. Smoke and Heat Vents. (Repealed) (Ord. 2025-01, 01-15-2025)

3-3-16. Key Lock Box System.

(1) As a condition of any building permit approval, the following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief:

(a) non-residential structures protected by an automatic alarm system or automatic suppression system, or that are secured in a manner that restricts access during an emergency; and,

(b) multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units.

(2) All newly constructed structures subject to this Section shall have a key lock box installed and operational prior to the issuance of an occupancy permit. All existing structures subject to this Section that are required to obtain a building permit for any purpose shall have a key lock box installed and operational prior to the final City building inspection.

(3) The Fire Chief shall designate the type of key lock box system to be implemented within the City and shall have the authority to require all structures to use the designated system.

(4) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

(5) The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

(Ord. 2025-01, 01-15-2025) (Ord. 2009-17, 11-18-2009)

CHAPTER 4. FIREWORKS

3-4-1. Short title.
3-4-2. Definitions.
3-4-3. Sale or use of unauthorized fireworks unlawful.
3-4-4. Enforcement - Seizure of fireworks sold unlawfully - Revocation of license.
3-4-5. Time for sale of fireworks.
3-4-6. Dates and time for use of fireworks.
3-4-6.1. 2002 Winter Olympics
3-4-7. Business license required.
3-4-8. Business license application.
3-4-9. License approval or denial.
3-4-10. Display of business license and sales tax license.
3-4-11. General requirements.
3-4-12. Indoor sales.
3-4-13. Temporary stands and trailers.
3-4-14. Repealed. (Ord. 97-05, 02-05-97)
3-4-15. Display Fireworks.
3-4-16. Permits for display fireworks or pyrotechnic displays inside public buildings.
3-4-17. Appeal
3-4-18. Limitation.

3-4-1. Short title.

This act shall be known and may be cited as the "Tooele Fireworks Act." (Ord. 1988-24, 08-03-1988)

3-4-2. Definitions.

The definitions in Utah Code §53-7-202, as amended, apply to this act.
(Ord. 2010-13, 10-06-2010) (Ord. 1988-24, 08-03-1988)

3-4-3. Sale or use of unauthorized fireworks unlawful.

Except as provided hereafter, it is unlawful for any person or entity to sell, offer for retail sale, or discharge within the limits of Tooele City any fireworks other than Class C common state approved explosives. Any person or entity who is found in violation of this section is guilty of a class B misdemeanor
(Ord. 2011-12, 06-15-2011) (Ord. 2010-13, 10-06-2010) (Ord. 1997-05, 02-04-1997) (Ord. 1988-24, 08-03-1988)

3-4-4. Enforcement - Seizure of fireworks sold unlawfully - Revocation of license.

(1) Every Tooele City officer charged with the enforcement of state and municipal laws including all fire enforcement officials and the division of public safety is charged with responsibility to enforce this act.

(2) Fireworks sold or offered for sale in violation of this chapter may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked, without refund of license fee or bond. (Ord. 1988-24, 08-03-1988)

3-4-5. Time for sale of fireworks.

Class C common state approved explosives may be sold each year beginning on June 24 and ending on July 25; beginning on December 29 and ending on December 31; and two days before and on the Chinese New Year's eve.
(Ord. 2018-09, 07-18-2018) (Ord. 2012-14, 05-16-2012) (Ord. 2011-12, 06-15-2011) (Ord. 2010-13, 10-06-2010) (Ord. 88-24, 08-03-1988)

3-4-6. Time for use of fireworks.

(1) Dates. Fireworks authorized by this act may be discharged each year beginning on July 2 and ending on July 5; beginning on July 22 and ending on July 25; on January 1 and December 31; and on the Chinese New Year's eve.

(2) Times. Fireworks authorized by this act shall not be discharged before 11 a.m. or after 11 p..m. on any given day, except that fireworks may be displayed

(A) on December 31 after 11 p.m. through 1:00 a.m. on January 1,

(B) from 11 a.m. on the Chinese New Year's eve through 1:00 a.m. on the following day,

(C) on July 4, from 11 a.m. to midnight, and

(D) on July 24, from 11 a.m. to midnight.

(3) Violation. A person discharging or displaying fireworks in violation of this section is guilty of an infraction.
(Ord. 2018-09, 07-18-2018) (Ord. 2012-14, 05-16-2012) (Ord. 2011-15, 08-17-2011) (Ord. 2011-12, 06-15-2011) (Ord. 2010-13, 10-06-2010) (Ord. 88-24, 08-03-1988)

3-4-6.1. 2002 Winter Olympics. Repealed.

(Ord. 2010-13, 10-06-2010) (Ord. 2002-04, 01-23-2002)

3-4-7. Business license required.

No person shall offer for sale or sell at retail any fireworks authorized by this act without first having obtained a Tooele City Business License pursuant to section 3-4-8.
(Ord. 2010-13, 10-06-2010) (Ord. 1988-24, 08-03-1988)

3-4-8. Business license application.

All applications for a license to sell, store or handle fireworks authorized by this act shall:

(1) be made in writing accompanied by a fee of $350 per stand, per year, which fee shall apply to business operations maintained for the sale of fireworks, and which fee shall be paid in addition to any and all

other required business license fees;

(2) set forth the proposed location of the fireworks stand;

(3) include for delivery to the Department insurance certificates evidencing public liability coverage in favor of the applicant or the licensee in the amount of $1,000,000 per injury, $3,000.000 per incident, and which designate Tooele City as an additional insured, and which include a minimum of $1,000,000 product liability coverage;

(4) include a statement that the applicant agrees to comply strictly with the terms of the license and to furnish any additional information upon request.

(Ord. 2020-48, 12-02-2020) (Ord. 2010-13, 10-06-2010) (Ord. 1990-04, 04-12-1990)

3-4-9. License approval or denial.

After a review by the Business License Specialist and Building Inspector, applicants for a license shall be notified of approval or denial of a license applicant no later than ten days after the application is originally made.

(Ord. 2020-48, 12-02-2020) (Ord. 1988-24, 08-03-1988)

3-4-10. Display of business license and sales tax license.

The license to sell fireworks and the sales tax permit shall be displayed in a prominent place in the fireworks stand.

(Ord. 1988-24, 08-03-1988)

3-4-11. General requirements.

(1) All fireworks retail sales locations shall be under the direct supervision of a responsible person who is 18 years of age or older. A salesperson shall remain at the sales location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or unless the merchandise is removed.

(2) Fireworks shall not be sold to any person under the age of 16 years unless accompanied by an adult.

(3) Buildings and temporary stands or trailers for the retail sales of fireworks shall be constructed in compliance with local rules, or if none, in accordance with nationally recognized good practice.

(4) All retail sales locations shall be kept clear of dry grass or other combustible material for a distance of at least 25 feet in all directions.

(5) Storage of fireworks for sale shall not be located in residential areas.

(6) Smoking shall not be permitted within 25 feet of any fireworks either on display for retail sale or being stored. "Smoking prohibited within 25 feet" (or similar wording) signs shall be conspicuously posted at all sales and storage locations. Sign lettering shall be not less than 2" high with a minimum 3/8" stroke on a contrasting background.

(7) A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for discharge of fireworks. Sign lettering shall be not less than 1" high with a minimum 3/16" stroke on a contrasting background.

(8) All retail sales locations shall be equipped with an approved, portable fire extinguisher having a minimum 2A rating.

(Ord. 1988-24, 08-03-1988)

3-4-12. Indoor sales.

Fireworks shall be permitted inside permanent buildings subject to the following regulations:

(1) Up to 250 pounds of fireworks (gross weight), display of fireworks is unrestricted.

(2) From 251 to 500 pounds of fireworks (gross weight), display of fireworks must be within constant visual supervision.

(3) Above 500 pounds of fireworks (gross weight), display of fireworks must be constantly attended by a sales person.

(4) The area where fireworks are displayed or stored shall be at least 50 feet from any flammable liquid or gas, or other highly combustible material. Fireworks shall not be stored (including stock for sale) near exit doorways, stairways or in locations that would impede egress.

(5) Fireworks shall be stored, handled, displayed and sold only as packaged units.

(Ord. 1988-24, 08-03-1988)

3-4-13. Temporary stands and trailers.

Retail sales of fireworks shall be permitted from temporary stands and trailers, and shall be subject to the following regulations:

(1) Each stand less than 24 feet in length must have at least two exits. Each stand in excess of 24 feet in length must have three exits. Exits shall swing out and be located at opposite ends of the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge, key, or effort.

(2) Each stand or trailer shall have a minimum three feet wide unobstructed aisle, running the length of the stand or trailer, inside and behind the counter.

(3) The passthrough openings for sales of fireworks in stands or trailers shall be arranged to permit the customer to view the merchandise for sale but prevent the touching or handling of non-pre-packaged fireworks by the customer.

(4) Temporary stands or trailers for the sale of fireworks shall be located in properly zoned areas, at least 50 feet from other fireworks stands or trailers, liquid propane gas, flammable liquid or gas storage and dispensing units.

(5) If the stand or trailer is used for the overnight storage of fireworks, it shall be equipped with suitable locking devices to prevent unauthorized entry.

(6) Stands or trailers shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters and lighting devices shall be approved by the Building Inspector.

(7) The general public shall not be allowed to enter a temporary stand or trailer.

(8) A sign prohibiting the discharge of fireworks within 100 feet of the stand or trailer shall be prominently displayed.

(9) No vehicles shall be permitted to park closer than 25 feet of the stand.

(10) All stands must be erected upon private property.

(11) Fireworks stands shall be removed no later than 15 days after the holiday designated in section 3-4-6. No stand shall be erected more than 15 days prior to holidays designated in section 3-4-6.

(12) Prior to the issuance of a license, each applicant shall file with the Department a cash deposit, certificate of deposit, or surety bond made payable to the City in the amount of $250.00 to assure compliance with the provisions of this section, including, but not limited to, the removal of the stand and the cleaning of the site. In the event the permittee does not comply or remove the stand and clean the site, the City may do so, or cause the same to be done by other persons, and the reasonable cost shall be a charge against the permittee and his deposit or surety bond.

(13) No person(s) shall sleep in a fireworks stand.

(14) A receipt of sale shall be provided with each sale of fireworks.

(Ord. 2020-48, 12-02-2020) (Ord. 1988-24, 08-03-1988)

3-4-14. Repealed. (Ord. 97-05, 02-05-97)

(Ord. 1988-24, 08-03-1988)

3-4-15. Display Fireworks.

No person shall discharge any display fireworks without first obtaining a display operator license from the State Fire Marshal Division pursuant to Utah Code §53-7-223 and securing a permit from the Fire Chief pursuant to Section 3-4-16. Any person or entity found in violation of this Section is guilty of a class B misdemeanor.

(Ord. 2010-13, 10-06-2010)

3-4-16. Permits for display fireworks or pyrotechnic displays inside public buildings.

(1) Any display operator desiring a permit to discharge display fireworks or persons or entities desiring to discharge pyrotechnic displays in public buildings must submit an application to the fire department no later than thirty (30) days prior to the planned event. A separate permit is required for each public display. The fee for a single permit shall be set forth in the City fee schedule.

(2) Application for each permit shall be in writing on an application form supplied by the fire department which at a minimum shall:

(a) Include the name, address, and telephone number of the display operator or person or entity desiring to discharge a pyrotechnic display in a public building;

(b) Include the name, address, and telephone number of each sponsor of the event;

(c) Describe the precise location of the discharge, display, fallout, and spectator locations;

(d) Include evidence of commercial general liability insurance in an amount not less than One Million Dollars ($1,000,000.00) per occurrence and Two Million Dollars ($2,000,000.00), aggregate insuring the display operator, with the sponsors and the City as additional entities insured;

(e) Describe a plan for monitoring weather conditions, crowds, and contingency plans for medical emergencies and changing conditions;

(f) Include any other information reasonably required by the City.

(3) The fire department shall give a copy of the permit application to the chief of police and to the Mayor's office no later than two working days after receiving the application.

(4) The fire department shall review the information in the application, the display operator's permit, and all applicable fire and safety standards. The fire department shall also confer with the police department to ensure that there shall be sufficient public safety personnel available to ensure the health and welfare of all persons attending the event.

(5) The fire department shall approve or disapprove the application no later than fifteen (15) days after receiving the application. The fire department may approve the application as submitted or approve the application subject to reasonable conditions relating to the safety of the event. If the fire department disapproves the application, it shall do so in writing, stating the grounds for disapproval, including reference to the specific fire or safety standards or public safety considerations applicable to the event.

(6) Governmental subdivisions and governmental entities are exempt from the permit fee requirements of this section. However, an application must be timely submitted and a permit obtained prior to the planned discharge of display fireworks by governmental subdivisions.

(Ord. 2010-13, 10-06-2010)

3-4-17. Appeal.

Any person or entity aggrieved by a decision of the fire department regarding the approval or denial of a permit under Section 3-3-16 may appeal such decision in writing to the Mayor within five (5) days of the fire department's denial. The appeal shall specifically state the basis upon which the appellant believes that the fire department is in error. The Mayor shall render a

decision on the appeal within five (5) days. The Mayor's decision shall be final.
(Ord. 2010-13, 10-06-2010)

3-4-18. Limitation.

This act does not apply to class A, class B, and class C explosives that are not for use in Utah, but are manufactured, stored, warehoused, or in transit for destinations outside of Utah.
(Ord. 2010-13, 10-06-2010)

CHAPTER 5. LOCAL FIRE OFFICER

3-5-1. Purpose.
3-5-2. Definitions.
3-5-3. Local fire officer orders.
3-5-4. Areas affected.
3-5-5. Public notice.
3-5-6. Penalty.
3-5-7. Enforcement.
3-5-8. City Council ratification.

3-5-1. Purpose.

This ordinance authorizes the Tooele City fire chief, as the local fire officer for Tooele City, to prohibit open fires and the use of any ignition source when hazardous environmental conditions necessitate controlling the use thereof.
(Ord. 2012-16, 08-15-2012)

3-5-2. Definitions.

(1) "Hazardous environmental conditions" means extreme dryness or lack of moisture, windy conditions, the presence of dry weeds and other vegetation, and any combination thereof.

(2) "Ignition source" means fireworks, lighters, matches, smoking materials, and similar means used to ignite fire either intentionally or accidentally.

(3) "Fireworks" shall have the same meaning as found in U.C.A. Chapter 53-7.
(Ord. 2012-16, 08-15-2012)

3-5-3. Local fire officer orders.

The local fire officer is hereby authorized to issue orders prohibiting open burning, open fires, and the use of any ignition source in any area of the municipality when the local fire officer determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof.
(Ord. 2012-16, 08-15-2012)

3-5-4. Areas affected.

The local fire officer shall determine what areas of the City are subject to prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining the areas affected by the order.
(Ord. 2012-16, 08-15-2012)

3-5-5. Public notice.

The local fire officer shall cause copies of the order to be

(1) posted in at least three public places within the City,

(2) posted on the official City website, and

(3) delivered to the local news media outlets.
(Ord. 2012-16, 08-15-2012)

3-5-6. Penalty.

Any person who knowingly violates an order of the local fire officer issued pursuant to this Chapter is guilty of a class B misdemeanor.
(Ord. 2012-16, 08-15-2012)

3-5-7. Enforcement.

Every officer charged with enforcement of State and local laws within Tooele City is hereby charged with the responsibility to enforce this Chapter.
(Ord. 2012-16, 08-15-2012)

3-5-8. City Council ratification.

Every order issued under this Chapter shall be subject to ratification by the City Council at the next city council meeting.
(Ord. 2012-16, 08-15-2012)

CHAPTER 3-6. FIRE CODE: ENFORCEMENT AND ABATEMENT

3-6-1. Purpose.
3-6-2. Declaration regarding violations of the Fire Code.
3-6-3. Definitions.
3-6-4. Notice of violation: content, extension.
3-6-5. Notice of violation: service.
3-6-6. Notice of violation: monetary penalties.
3-6-7. Notice of violation: appeal.
3-6-8. Notice of violation: default judgment.
3-6-9. Notice of compliance.
3-6-10. Fire Code order: authority.
3-6-11. Fire Code order: enforcement.
3-6-12. Fire Code order: appeal.
3-6-13. Stipulation agreement.
3-6-14. Recordation.
3-6-15. Withholding permits; appeal.
3-6-16. Abatement: emergency.
3-6-17. Abatement: non-emergency.
3-6-18. Recovery of Monetary Penalties and Costs.

3-6-1. Purpose.

The purposes of this Chapter include the protection of the public life, health, safety, and general welfare, and the implementation of City administrative procedures for the protection of the public life, health, safety, and general welfare through the enforcement of this Title 3 (Fire) and of the International Fire Code and through the abatement of violations of this Title 3 and of the International Fire Code.
(Ord. 2017-24, 10-18-2017)

3-6-2. Declaration regarding violations of the Fire Code.

It is hereby declared that violations of the Fire Code operate contrary to the purposes of this Chapter and constitute a threat to the public life, health, safety, and general welfare.
(Ord. 2017-24, 10-18-2017)

3-6-3. Definitions.

(1) The definitions of the Fire Code are incorporated herein.

(2) In the event of a conflict between the definitions of the Fire Code and the definitions in this Section, the Fire Code definitions shall govern.

(3) Subject to subsection (2), the following terms shall have the following definitions.

"Abatement" means any action or proceeding commenced or pursued by the City to remove, alleviate, enforce, or correct a violation of Title 3 or the Fire Code.

"Abatement costs" means actual costs incurred by the City to accomplish an abatement, but not including monetary penalties.

"Abatement period" means the 14-day period, beginning upon service of a notice of violation, within which the violation described in a notice of violation is required to be corrected.

"Administrative hearing officer" means an administrative hearing officer appointed under Chapter 1-28.

"Association" means any business entity, including, without limitation, a corporation, partnership, limited liability company, or business, but not an individual.

"Compliance inspection" means an inspection conducted by a Fire Department inspector to determine compliance with Title 3 or the Fire Code through the correction of the violation described in a notice of violation.

"Department" means the Tooele City Fire Department.

"Fire Chief" means the chief of the Tooele City Fire Department.

"Fire Code" means the International Fire Code as adopted by Tooele City pursuant to Section 3-3-1.

"Fire Code order" means an order issued by an administrative hearing officer pursuant to this Chapter.

"Fire Code performance bond" means a cash bond required by an administrative hearing officer and posted by a responsible person to gain compliance with Title 3, the Fire Code, or a Fire Code order.

"Fire Code tax lien" means a lien recorded with the Tooele County Recorder and County Treasurer, as applicable, to facilitate the collection of all monetary penalties and abatement costs, including administrative fees, filing fees, and other reasonable and related costs.

"Fire Department inspector" means those persons authorized by the Fire Code, the Fire Chief, and Title 3 to perform compliance inspections.

"Good cause" means incapacitating illness or accident, death of a parent, sibling, or child, lack of proper notice, or unavailability due to unavoidable and non-preventable emergency or circumstance.

"Imminent fire hazard" means any condition that creates a present and immediate fire danger to the public life, health, safety, or welfare.

"Inspection" means a compliance inspection.

"Monetary penalties" means the civil fines accrued for failure to complete an abatement. Monetary penalties do not include appeal filing fees, compliance reinspection fees, or abatement costs.

"Notice of compliance" means a document issued

by the City confirming that a responsible person has corrected the violations described in a notice of violation, has paid all fees, penalties, and costs associated with the notice of violation, and otherwise has fully complied with the requirements of Title 3 and the Fire Code, all as determined by an officer or inspector.

"Notice of violation" means a document prepared and issued by an officer that informs a responsible person of a violation of Title 3 or the Fire Code, and that contains an order to correct the violation.

"Officer" means a fire code officer as defined in the Fire Code, to include the Fire Chief, authorized delegates, and fire department inspectors.

"Penalty" means monetary penalties, abatement costs, and other costs related to an abatement.

"Responsible person" means any property owner, occupant, or other person or association with control over property who allows, permits, causes, or maintains a violation of Title 3 or the Fire Code to exist upon the property owned, occupied, or controlled. "Responsible person" includes the Fire Code definition of "owner." Use of the singular "person" in this Chapter includes the plural "persons."

"Violation" means any violation of Title 3 or the Fire Code.
(Ord. 2017-24, 10-18-2017)

3-6-4. Notice of violation: content, extension.

(1) An abatement is commenced by the service of a notice of violation.

(2) Content. A notice of violation shall indicate the following:

(a) the nature of the violation;

(b) the street address and parcel number for the property upon which the violation exists;

(c) the name of the property owner of record according to the records of the Tooele County Recorder;

(d) the date of the violation;

(e) the monetary penalties associated with the violation;

(f) the corrective action required;

(g) the abatement period;

(h) the contact information for the officer with whom the notice of violation may be discussed;

(i) the procedure for obtaining a notice of compliance; and,

(j) the procedure for filing an appeal.

(3) Extension. A responsible person may request an extension of the abatement period by submitting a written request to the Department during the abatement period. An officer may approve an extension of up to 30 days if doing so does not appear to create an imminent fire hazard. An approved extension shall result in an amended notice of violation which establishes a new abatement period. An extension request shall state and affirm the following:

(a) the responsible person understands that the extension is conditioned upon the responsible person's waiver of the right to appeal the notice of violation;

(b) the responsible person is actively engaged in the corrective action required by the notice of violation; and,

(c) the responsible person is unable to complete the corrective action during the abatement period due to circumstances that are unusual, extraordinary, or outside the responsible person's control.
(Ord. 2017-24, 10-18-2017)

3-6-5. Notice of violation: service.

(1) A notice of violation shall be served by one or more of the following methods:

(a) regular U.S. mail, first-class postage prepaid, to both

(i) the last known address of a responsible person as found in the records of the Tooele County Recorder; and,

(ii) the address of the property subject to the notice of violation; or,

(b) certified U.S. mail, return receipt requested, to the last known address of a responsible person as found in the records of the Tooele County Recorder; or,

(c) personal delivery to a responsible person; or,

(d) posting of the notice of violation upon the property or premises which is the subject of the notice of violation.

(2) Service by regular U.S. mail shall be deemed made on the third day after the date of mailing.
(Ord. 2017-24, 10-18-2017)

3-6-6. Notice of violation: monetary penalties.

(1) The monetary penalties associated with an abatement shall be established by resolution of the Tooele City Council.

(2) The monetary penalties associated with a notice of violation shall accrue daily until the earlier of the following occurs:

(a) the abatement period ends;

(b) a notice of compliance is issued by an officer;

(c) a Fire Code order halting, modifying, or

suspending the monetary penalties is issued.

(3) Accrued monetary penalties (but not abatement costs) associated with a notice of violation shall be suspended upon:

(a) the responsible person causing the violation described in the notice of violation to be corrected during the abatement period;

(b) the responsible person requesting a compliance inspection from the City during the abatement period; and,

(c) a notice of compliance being issued in response to the request for inspection.

(4) The suspension of monetary penalties associated with a notice of violation shall continue and become permanent if during the 12 months immediately following the date of the notice of compliance there is no recurrence of substantially the same violation at the same property.

(5) If a responsible person fails to correct the violation described in a notice of violation during the abatement period, or if the responsible person commits or allows substantially the same violation to occur during the 12 months immediately following the date of a notice of compliance, all monetary penalties that began to accrue daily on the date of the original notice of violation shall be owed in full to the City and shall continue to accrue for each and every subsequent day of continuing violation for a new abatement period.

(6) In the event of multiple responsible persons associated with a notice of violation, default judgment, or Fire Code order, all responsible persons shall be jointly and severally liable for correction of violations, for compliance with any Fire Code orders, and for payment of any monetary penalties, abatement costs, and other associated costs.

(Ord. 2017-24, 10-18-2017)

3-6-7. Notice of violation: appeal.

(1) A responsible person served with a notice of violation may appeal to the administrating hearing officer.

(2) An appeal resulting in a Fire Code order that upholds some but not all of the violations described in a notice of violation shall have the effect of amending the notice of violation and resetting the date of the notice of violation and the abatement period.

(3) A Fire Code order that amends a notice of violations pursuant to this Section is not appealable to the administrative hearing officer.

(Ord. 2017-24, 10-18-2017)

3-6-8. Notice of violation: default judgment.

(1) A responsible person who fails to request a compliance inspection during the abatement period and who does not timely appeal the notice of violation is deemed to have waived any administrative appeal rights associated with a notice of violation and shall be subject to the entry of default judgment upholding the notice of violation. The default judgment shall direct the abatement and impose the monetary penalties, fees, and costs associated therewith.

(2) A default judgment shall be issued by the administrative hearing officer upon officer affidavit that a responsible person both failed to request a timely compliance inspection and failed to make a timely appeal.

(3) A copy of a signed default judgment shall be served on all affected responsible persons by any method of service allowed for a notice of violation.

(4) A responsible person adversely affected by a default judgment may appeal the default judgment to the administrative hearing officer. The administrative hearing officer may set aside a default judgment only upon a written finding of good cause shown by the appealing responsible person.

(5) Following the issuance of a default judgment and the failure to timely appeal the default judgment, or following the issuance of a Fire Code order upholding the default judgment, the City may forthwith proceed to abate the violation described in the default judgment, and may forthwith proceed to collect all accrued monetary penalties and costs associated with the abatement.

(Ord. 2017-24, 10-18-2017)

3-6-9. Notice of compliance.

(1) It shall be the duty of a responsible person served with a notice of violation to request a City compliance inspection when the described violation has been abated, weather during or after the abatement period.

(2) It is prima facie evidence that the violation is continuing if no compliance inspection is requested.

(3) An officer shall perform the requested compliance inspection. If an officer finds that the violation for which the notice of violation was issued has been abated fully, an officer shall issue a notice of compliance to the responsible person requesting the compliance inspection.

(4) A notice of compliance shall be deemed effective upon the day of the inspection that determined full compliance. No further monetary penalties shall accrue after this date unless the same or a similar violation occurs within the 12 months immediately following the notice of compliance.

(5) If, following a request for compliance

inspection, the City declines to issue a notice of compliance due to a continuing violation, it remains the duty of the responsible person to request a compliance reinspection once abatement is completed.

(6) The first compliance inspection shall not require the payment of a fee. All compliance reinspections shall require the payment of a fee established by the City Council.

(7) If the City declines to issue a notice of compliance, an officer shall provide a written explanation to the responsible party requesting the compliance inspection.

(8) A responsible person may appeal the denial of a notice of compliance to the administrative hearing officer.

(9) A request for compliance inspection or reinspection shall toll the accrual of monetary penalties until the issuance of written reasons for the denial of a notice of compliance or until the occurrence of substantially the same or violation with the 12 months immediately following the notice of violation.
(Ord. 2017-24, 10-18-2017)

3-6-10. Fire Code order: authority.

In addition to the authority granted under Chapter 1-28 of this Code, the administrative hearing officer shall have authority to do the following:

(1) upon appeal, to uphold, modify, or reject a notice of violation, and to issue a Fire Code order to that effect;

(2) upon appeal, to uphold, modify, or reject a notice of compliance, and to issue a Fire Code order to that effect;

(3) upon officer affidavit, to issue a default judgment;

(4) upon appeal, to uphold, modify, or reject a default judgment, and to issue a Fire Code order to that effect;

(5) upon appeal, to uphold, modify, suspend, dismiss, or order the payment of monetary penalties associated with a notice of violation, and to issue a Fire Code order to that effect;

(6) upon appeal, to establish a payment plan for payment of monetary penalties and abatement costs associated with a notice of violation, and to issue a Fire Code order to that effect;

(7) to make written findings of fact and conclusions of law associated with a Fire Code order;

(8) to issue a Fire Code order requiring a responsible person to post a cash Fire Code performance bond and to sign an associated bond agreement;

(9) to issue a Fire Code order for the return of all or a portion of the cash Fire Code performance bond to the posting responsible person;

(10) to incorporate a stipulation agreement into a Fire Code order;

(11) to declare a Fire Code tax lien fully satisfied, and to issue a Fire Code order to that effect; and,

(12) to issue any other lawful Fire Code order regarding any aspect of abatement.
(Ord. 2017-24, 10-18-2017)

3-6-11. Fire Code order: enforcement.

The City may use all lawful means to enforce a Fire Code order and to recover all abatements costs associated with such enforcement.
(Ord. 2017-24, 10-18-2017)

3-6-12. Fire Code order: appeal.

A responsible person subject to a Fire Code order may appeal to the administrative hearing officer.
(Ord. 2017-24, 10-18-2017)

3-6-13. Stipulation agreement.

The City may enter into a stipulation agreement with a responsible person to resolve a notice of violation. A signed stipulation agreement shall be delivered to the administrative hearing officer, who shall issue a Fire Code order incorporating the stipulation agreement. By entering into a stipulation agreement, a responsible person waives all administrative and judicial appeals associated with the notice of violation. The form of the stipulation agreement shall be approved by the City Attorney.
(Ord. 2017-24, 10-18-2017)

3-6-14. Recordation.

(1) If a violation continues to exist after the abatement period, and the notice of violation has not been appealed, an officer may record the notice of violation, together with any default judgment and Fire Code order, with the office of the Tooele County Recorder. This recordation is not a lien against property, but a notice concerning any continuing violation found upon the property.

(2) If a notice of compliance or Fire Code order finding compliance is issued after a notice of violation, default judgment, or Fire Code order has been recorded, the officer shall cause the notice of compliance or Fire Code order finding compliance to be recorded with the office of the Tooele County Recorder. This recordation shall have the effect of updating and nullifying a previously recorded notice of violation, default judgment, or Fire Code order to which it relates.

(3) Notice of any recordation shall be mailed to the owners of the real property against which a recordation has been made in the same manner as provided for the mailing of a notice of violation. The failure to serve such notice shall not be grounds to void the recordation or the documents recorded.
(Ord. 2017-24, 10-18-2017)

3-6-15. Withholding permits; appeal.

(1) During the pendency of any unresolved notice of violation or Fire Code order, the City may withhold from a responsible person subject to the notice or order any permit, license, or land use approval associated with the property upon which the violation continues. The withholding shall continue until the issuance of a notice of compliance or Fire Code order finding compliance.

(2) The withholding of a permit, license, or land use approval pursuant to authority of this Section may be appealed to the administrative hearing officer.
(Ord. 2017-24, 10-18-2017)

3-6-16. Abatement: emergency.

(1) The City is authorized to summarily abate an imminent fire hazard.

(2) Whenever the Fire Chief determines that an imminent fire hazard exists, the Fire Chief or delegate may issue a written emergency order directing one or more of the following actions:

(a) order the immediate vacation of any owners, tenants, and occupants, and prohibit occupancy until all imminent fire hazards have been abated;

(b) post the property or premises as unsafe, substandard, or dangerous;

(c) board, fence, and otherwise secure any property or premises;

(d) raze, grade, and otherwise remove structures and objects on the property to the extent necessary to remove any imminent fire hazard;

(e) make emergency repairs; and,

(f) take any other reasonable action to eliminate an imminent fire hazard or to protect the public from an imminent fire hazard.

(3) A notice of violation shall be served upon a responsible person associated with an imminent fire hazard. The notice shall describe the nature of the imminent fire hazard. Service is not required prior to taking steps to abate an imminent fire hazard.

(4) City personnel and agents may enter property or premises without a warrant to the extent necessary to abate an imminent fire hazard.

(5) The City shall pursue only the minimum level of abatement necessary to abate an imminent fire hazard under this Section. Once an imminent fire hazard is abated sufficiently to constitute a violation that is not an imminent fire hazard, the City shall follow the procedures of this Chapter for non-emergency abatement.

(6) A responsible person shall be liable for all abatement costs and other costs associated with the abatement of an imminent fire hazard.

(7) Promptly after an emergency abatement, an officer shall notify a responsible person of the abatement actions taken, the itemized costs for those actions, and the location of any seized and removed personal property.

(8) A responsible person may appeal the costs of an emergency abatement to the administrative hearing officer.
(Ord. 2017-24, 10-18-2017)

3-6-17. Abatement: non-emergency.

(1) If a responsible person fails to abate a violation within the abatement period or within the deadline established in a Fire Code order, the Department is authorized to abate the violation.

(2) The Department and its officers and agents have authority to enter upon any property or premises as may be necessary to abate a violation. Such entry onto a private property or premises shall be accompanied by a warrant, be done in a reasonable manner, and be based upon probable cause. However, no warrant shall be required where a responsible person's consent is voluntarily given.

(3) A responsible person shall be liable for all abatement costs associated with the abatement. If the Department undertakes preparatory or other steps to perform an abatement, but the responsible person completes the abatement before the Department begins or completes the abatement, the responsible person shall remain responsible for the City's preparatory and other costs.

(4) Promptly after an abatement, an officer shall notify a responsible person of the abatement actions taken, the itemized costs for those actions, the deadlines for paying those costs, and the location of any seized and removed personal property.

(5) A responsible person may appeal the costs of an abatement to the administrative hearing officer.
(Ord. 2017-24, 10-18-2017)

3-6-18. Recovery of Monetary Penalties and Costs.

(1) As provided in U.C.A. Sections 10-11-3 and -4, as amended, and after established deadlines for the payment of monetary penalties and abatement costs have passed, an officer may file and record with the

Tooele County Recorder and Treasurer a Fire Code tax lien and an itemized statement of all such penalties and costs.

(2) Upon full payment of all amounts owing under a Fire Code tax lien, or upon the entry of a Fire Code order or judicial order declaring the lien amount satisfied, the City shall file and record an appropriate notice of satisfaction and/or lien release.

(3) The City may pursue all lawful means to recover all penalties, fees, and costs imposed or incurred pursuant to this Chapter.

(Ord. 2017-24, 10-18-2017)

CHAPTER 3-7. FIRE ALARMS

3-7-1. Purpose and scope.
3-7-2. Definitions.
3-7-3. Maintenance, testing, and inspection.
3-7-4. Fire alarm system activation and response.
3-7-5. Intentional false alarm - penalty.
3-7-6. Notice and fees for repeated false alarms.
3-7-7. Disconnection of fire alarm system - occupancy - fire watch - reconnection.
3-7-8. Fire watch.
3-7-9. Appeals.
3-7-10. Collection of fees and costs
3-7-11. Government immunity.

3-7-1. Purpose and scope.

(1) The purpose of this Chapter is to require owners to properly use and maintain the operational effectiveness of fire alarm systems in order to improve their reliability and eliminate or reduce false fire alarms and nuisance fire alarms. The requirements of this Chapter shall be in addition to, and not in place of, any requirements imposed by the international fire code as adopted by the city.

(2) This Chapter governs fire alarm systems designed to summon the Tooele City fire department, notices and orders regarding such alarms, the establishment of a fire watch, and the assessment of fees and costs.

(Ord. 2017-25, 11-15-2017)

3-7-2. Definitions.

As used in this Chapter, the following words and terms shall have the following meanings:

Adopted Codes - The codes adopted by Tooele City pursuant to Chapter 3-3 and Title 4 of this Code.

Disconnection, and Disconnect - The disconnection, deactivation, or taking out of service of a fire alarm system.

Enforcement Official - The fire chief and his or her designated representatives.

Fees and costs - Monetary charges, payable to Tooele City, to defray the expenses associated with responding to false fire alarms, nuisance fire alarms, inspections, testing, and fire watch.

Fire Alarm, False - The activation of any fire alarm system that results in a response by the fire department and that:

(1) is caused by the negligence or intentional misuse of the fire alarm system by the owner, tenant, or occupant of a premises, or an employee or agent thereof; or,

(2) is not caused by heat, smoke, fire, or water flow.

Fire Alarm, Habitual - The occurrence of 6 or more nuisance fire alarms or false fire alarms, or a combination of the two, in any 365-day period.

Fire Alarm, Nuisance - The activation of any fire alarm system, which results in a fire department response and that:

(1) is caused by mechanical failure, lack of maintenance, malfunction, or improper installation; or,

(2) for which emergency officials cannot determine the cause of the alarm.

Fire Alarm System - A system, or a portion of a system or combination system, consisting of components and circuits arranged to monitor and/or annunciate the status of a fire alarm, suppression system activation, or signal initiating device that initiate a response.

Fire Department - The Tooele City fire department.

Fire Watch - An enforcement program whereby an enforcement official is assigned to a premises for the purpose of protecting a building or structure, or its occupants, from an emergency fire-related situation. A fire watch may involve special actions beyond routine fire department staffing. A special action may include persons trained in fire prevention and detection, the use of fire extinguishing systems, or the activation of fire alarms.

Owner - Any person who owns the premises in which a fire alarm system is installed. In the event such premises are leased to a third party, the term Owner shall mean both the owner of the property and the tenant in possession of the premises, and any responsibilities for the fire alarm system and fees assessed hereunder shall be joint and several for both the owner and the tenant.

Premises - Any building or structure, or combination of buildings and structures, in which a fire alarm system is installed. For purposes of this Chapter, the term Premises shall not mean single-family or two-family residential buildings.

Reconnection, and Reconnect - The reconnection, reactivation, or return to service of a fire alarm system.

Serve, or Service - Personal delivery or delivery via regular U.S. mail to both the physical address of the premises and to the address of the record owner of the premises if different than the physical address of the premises. Service is deemed effective upon personal delivery or 3 days after mailing.

(Ord. 2017-25, 11-15-2017)

3-7-3. Maintenance, testing, and inspection.

(1) The owner of a premises shall ensure that all

fire alarm systems on a premises are periodically maintained as dictated by the manufacturer's specifications and the adopted codes.

(2) The owner shall ensure that all fire alarm systems on a premises are tested and inspected at least once per year and in accordance with the adopted codes.

(Ord. 2017-25, 11-15-2017)

3-7-4. Fire alarm system activation and response.

(1) The owner of a premises shall be responsible for all activations of a fire alarm system thereon.

(2) A fire department response to the activation of a fire alarm system shall be deemed to result when any officer or member of the fire department is dispatched to the premises where the fire alarm system has been activated.

(Ord. 2017-25, 11-15-2017)

3-7-5. Intentional false alarm - penalty.

A person who, knowingly or intentionally, makes a false report of a fire, activates a false fire alarm, or tampers with or removes any part of a fire alarm system is guilty of a class B misdemeanor.

(Ord. 2017-25, 11-15-2017)

3-7-6. Notice and fees for repeated false alarms.

(1) The first and second fire alarm system activations in any 365-day period, deemed by the enforcement official to be nuisance fire alarms and/or false fire alarms, shall result in the enforcement official serving a Notice of False Alarm to the owner of the premises where the fire alarm system has been activated. The notice will indicate the fire alarm system activation, direct the owner to correct the cause of the false or nuisance fire alarm, and provide a warning that subsequent alarms may result in the assessment of fees.

(2) More than 2 fire alarm system activations within any 365 day period, deemed by the enforcement official to be nuisance fire alarms and/or false fire alarms, shall result in the enforcement official serving a Notice of Repeated False Alarms to the owner of the premises where the fire alarm system has been activated. The notice will indicate the assessment of fees against the owner in the amounts stated in the Tooele City fee schedule.

(3) Should any fee assessed pursuant to this Section remain unpaid in excess of 60 days from the date of the Notice of Repeated False Alarms, a late payment penalty shall be imposed equal to 10% of the amount due. In addition, for each calendar month beyond the due date that a payment is late, compound interest of 2% shall accrue monthly until the fees, plus penalties and interest, are paid in full.

(Ord. 2017-25, 11-15-2017)

3-7-7. Disconnection of fire alarm system - occupancy - fire watch - reconnection.

(1) At the discretion of the enforcement official, and in the event that a premises experiences habitual fire alarms, a written Order to Disconnect may be served upon the owner specifying the date on which the owner shall be required to disconnect the fire alarm system. An Order to Disconnect must have the concurring signature of the Mayor.

(2) Each premises affected by the disconnection of the fire alarm system shall be required to establish a fire watch that meets the requirements of the enforcement official until the fire alarm system has been reconnected.

(3) The enforcement official shall have the authority to temporarily suspend the occupancy certificate of a premises under fire watch until all repairs are made to the fire alarm system or if the fire watch is not maintained to the satisfaction of the enforcement official. Suspended occupancy shall have the effect of temporarily closing a premises to the public and to employees but will allow restricted occupancy as detailed in the fire watch.

(4) A fire alarm system may be reconnected upon a finding by the enforcement official that the owner of the premises has taken necessary corrective action to remedy the cause of the habitual fire alarms at the premises. The owner shall have the burden of showing that adequate corrective action has been taken by making a request for reconnection.

(5) The owner shall be responsible for all inspection and/or testing fees and costs incurred in determining whether the fire alarm system is ready for reactivation. The enforcement official shall not authorize or approve of reconnection until the owner has paid such fees and costs in full.

(6) Follow service of an Order to Disconnect, reconnection of a fire alarm system shall be pursuant to an Authorization to Reconnect issued by the enforcement official.

(Ord. 2017-25, 11-15-2017)

3-7-8. Fire watch.

(1) In the event the enforcement official orders a fire watch instituted as a result of a fire alarm system being disconnected, pursuant to an Order to Disconnect, such a fire watch may be at the following levels or may provide specific fire watch requirements at the discretion of the enforcement official:

(A) Level I: Continuous monitoring of the

premises for signs of smoke or fire for purposes of notifying the fire department. This may be effectively carried out through one or more approved employees of the building owner, security guards, or fire department personnel, at the discretion of the enforcement official.

(B) Level II: Continuous monitoring of the premises for signs of smoke or fire for the purpose of notifying the fire department and assisting with evacuation. This may be effectively carried out through one or more approved employees of the building owner, security guards, or fire department personnel, in the discretion of the enforcement official. These individuals must be familiar with the exiting fire alarm systems, fire protection systems, fire suppression systems, water systems, and evacuation plans relative to the premises.

(C) Level III: Continuous monitoring of the premises for signs of smoke or fire for the purpose of notifying the fire department, assisting with evacuation, and fire extinguishment/hazard mitigation. One or more fire department personnel shall be required, and an emergency action plan may also be required, in the discretion of the enforcement official.

(2) The owner shall be responsible for paying all fees and costs associated with establishing a fire watch.
(Ord. 2017-25, 11-15-2017)

3-7-9. Appeals.

(1) An owner may appeal any of the following to the enforcement official:

(A) a Notice of Repeated False Alarms;

(B) an Order to Disconnect;

(C) the refusal to issue an Authorization to Reconnect;

(D) the costs associated with an Authorization to Reconnect or a fire watch.

(2) All appeals shall be in writing and shall set forth the reasons for the appeal.

(3) All appeals shall be filed with the City Recorder within 10 days of service of the Notice or Order being appealed. Appeals filed after this deadline are untimely and shall not be heard.

(4) All appeals shall be accompanied with the payment of an appeal fee as set forth in the Tooele City fee schedule. Appeal fees will be returned to the owner if the Notice or Order being appealed is not upheld on appeal.

(5) The appeal of a Notice of Repeated False Alarms stays the assessment of fees until the enforcement official makes a final written decision upholding the Notice. The appeal of an Order to Disconnect stays the requirement to disconnect until the enforcement official makes a final written decision upholding the Order.

(6) An appeal decision of the enforcement officer may be appealed, with 10 days of service of the decision, to the Administrative Hearing Officer pursuant to Chapter 1-28 of this Code. Appeals filed after the appeal deadline are untimely and shall not be heard.
(Ord. 2017-25, 11-15-2017)

3-7-10. Collection of fees and costs.

Tooele City is authorized to use all lawful means to collect fees, costs, penalties, and interest assessed under this Chapter, including requiring payment through the City utility bill.
(Ord. 2017-25, 11-15-2017)

3-7-11. Government immunity.

The inspection of fire alarm systems, the establishment of fire watches, or any other action provided for in this Chapter is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of fire department response, nor create a special relationship between an owner and the fire department. Any and all liability and damages resulting from the failure to respond to a notification or to take any other action as provided for herein is hereby disclaimed, and governmental immunity as provided by law is hereby retained. Tooele City, its officers, employees, and agents, shall not assume any duty or responsibility for the installation, operation, repair, effectiveness, or maintenance of any fire alarm system or the maintenance of a fire watch, those duties or responsibilities belonging solely to the owner of the premises.
(Ord. 2017-25, 11-15-2017)

CHAPTER 3-8. WILDLAND URBAN INTERFACE CODE

3-8-1. Utah Wildland Urban Interface Code.

3-8-1. Utah Wildland Urban Interface Code.

Tooele City adopts the Utah Wildland Urban Interface Code as an ordinance of Tooele City, in it's most current edition and with it's alternatives and amendments, as adopted by the State of Utah.
(Ord. 2025-18, 06-18-2025)

TITLE 4. BUILDING REGULATIONS

Chapter 1. Building Official.
Chapter 2. Sign Code.
Chapter 3. Building Code.
Chapter 4. Electrical Code.
Chapter 5. Plumbing Code.
Chapter 6. Residential Housing.
Chapter 7. Mechanical Code.
Chapter 8. Road and Bridge Construction Standards.
Chapter 9. Street Excavation.
Chapter 10. Swimming Pool, Spa and Hot Tub Code.
Chapter 11. Sidewalks.
Chapter 11a. Residential Park Strip Landscaping Requirements.
Chapter 12. Municipal Improvement District Act.
Chapter 13. Flood Damage Prevention Ordinance.
Chapter 14. Abatement of Dangerous Buildings Code.
Chapter 15. Development Impact Fees.
Chapter 16. Uniform Administrative Code.
Chapter 17. APWA Manual of Standard Specifications and Manual of Standard Plans Adopted.

CHAPTER 1. BUILDING OFFICIAL

4-1-1. Responsibility.
4-1-2. Permits.
4-1-3. Powers and duties.
4-1-4. Approval of public improvements by city engineer.
4-1-5. Definition of public improvements.
4-1-6. Repealed.
4-1-7. Surveying and engineering performed by city engineer.
4-1-8. Amendment of fees by resolution.
4-1-9. Building permits required for public improvements.

4-1-1. Responsibility.

Administration and enforcement of this Title shall be the responsibility of the Building Official, under the direct supervision of the Director of Community Development, who shall direct the Building Official as to the performance of his duties as provided in this Title, but the Mayor may from time to time entrust the administration and enforcement of some part or the whole of this Title to any other officer without amendment to this Chapter. All departments, officials, and public employees who are vested with the duty or authority to issue permits or licences shall conform to the provisions of this Code and shall issue no such permits or licences for uses, buildings or purposes where the same would be in conflict with the provisions of this Title. Any such permits or licences, if issued in conflict with the provisions of this Title, shall be null and void.
(Ord. 2018-04, 02-21-2018) (Ord. 1999-11, 04-21-1999) (Ord. 1975-28, 12-08-1975) (Ord. 1967-03, 08-14-1967)

4-1-2. Permits.

The construction, alteration, repair, removal, or occupancy of any structure or part thereof as provided or as restricted in this Title, shall not be commenced or proceeded with except after the issuance of a written permit for same by the Building Official; provided, that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined by the Building Official.

Permits are required for temporary uses incidental to construction. Such permits are limited to the duration of the construction work. The maximum time for such a permit is one year. However, another permit may be issued if cause is shown. All applications for building permits shall be accompanied by a plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected and buildings existing on adjacent property, and such other information as may be necessary to provide for the enforcement of this Code.

A careful record of such applications and plats shall be kept in the office of the Building Official or other officer charged with administration and enforcement. No yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be used as a yard or open space for another building.
(Ord. 2018-04, 02-21-2018) (Ord. 1999-11, 04-21-1999) (Ord. 1967-03, 08-14-1967)

4-1-3. Powers and duties.

It shall be the duty of the Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. The Building Official shall enforce all of the provisions of this Code, entering actions on the court when necessary. The failure to do so shall not legalize any violation of such provisions. The Building Official shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect.

The Building Official is authorized to order disconnection and approve connection or re-connection of utility services, including water, sewer, natural gas, and electric power, to any structure or service regulated by the construction codes as adopted by this jurisdiction or the State of Utah. Upon written order from the building Official, any serving utility shall immediately terminate such service. The Building Official shall not authorize any termination or refuse connection without reasonable cause, as detailed in the order.
(Ord. 2018-04, 02-21-2018) (Ord. 1999-11, 04-21-1999) (Ord. 1967-03, 08-14-1967)

4-1-4. Approval of public improvements by city engineer.

The construction of all public improvements within Tooele City shall not be commenced or proceeded with except after the approval of the City Engineer. All preliminary and final plats, plans, and specifications for public improvements shall be submitted to the City Engineer for review and approval prior to submission to the Planning Commission or the City Council. A plan

checking fee shall be collected by the City when the said plans, plats, and specifications are submitted for review and approval. The fees shall be as established in the Tooele City Fee Schedule adopted by Resolution of the City Council. (Ord. 2018-04, 02-21-2018) (Ord. 1998-27, 08-05-1998) (Ord. 1975-27, 12-08-1975)

4-1-5. Definition of public improvements.

"Public improvements" shall have the meaning given in Section 7-1-5 of this Code, and shall be interpreted inclusively, not exclusively.
(Ord. 2018-04, 02-21-2018) (Ord. 1975-27, 12-08-1975)

4-1-6. Repealed. (Ord. 1987-16, 11-05-1987)

4-1-7. Surveying and engineering performed by city engineer.

The City Engineer, in his discretion, may do preliminary surveying, engineering, and construction surveying of public improvements for minor improvements to property for curb and gutter replacements or initial installation, where none previously existed and the property owner requests the same at his own expense, or when a special improvement district is created for the purpose of providing public improvements within the district. When the City Engineer performs such labor, the City shall charge fees consistent with the prevailing rate for such services as may be available in the private sector as determined by the City Engineer.
(Ord. 2018-04, 02-21-2018) (Ord. 1980-11, 04-10-1980) (Ord. 1975-27, 12-08-1975)

4-1-8. Amendment of fees by resolution.

The fees provided by Sections 1, 8, and 9 of this Chapter may be amended from time to time by resolution. (Ord. 1975-27, 12-08-1975)

4-1-9. Building permits required for public improvements.

All public improvements within Tooele City, except those public improvements installed pursuant to the subdivision process covered under Title 7 of this Code, shall be required to be done with a building permit, and fees collected therefore shall be according to the fee schedule for building permits then in effect. Such fees shall be payable prior to issuance of the permit. A separate building permit shall not be required for public improvements where a building permit for any given structure is obtained in connection with doing the same improvement, provided that the valuation of the public improvement shall be included in the computation of the permit fee. A failure to comply with this Section shall result in the same penalties as are applicable for building permits under the International Building Code as may be adopted and amended from time to time. (Ord. 2018-04, 02-21-2018) (Ord. 2004-15, 10-20-2004) (Ord. 1980-11, 04-10-1980)

CHAPTER 2. SIGN CODE.
(Repealed. Ordinance 2012-19, 07-18-2012)

CHAPTER 3. BUILDING CODE

4-3-1. International Building Code.
4-3-1.1. Building Permit Fees
4-3-1.2. Building Valuation Schedule
4-3-2. Building permit issuance contingent upon adequate water and sewer service.
4-3-3. Penalties.

4-3-1. International Building Code.

The most recent edition of the International Building Code (IBC), as adopted by the Utah Division of Occupational and Professional Licensing, is incorporated by reference as part of the Tooele City Code, subject to amendments and modifications set forth in the Utah Building Standards Act Rules, together with standards incorporated into the IBC by reference, including but not limited to the International Energy Conservation Code and the International Residential Code.
(Ord. 2002-01, 01-09-2002); (Ord. 98-04, 01-21-98)

4-3-1.1. Building Permit Fees.

Table 1-A of the 1997 edition of the Uniform Building Code is incorporated by reference as the building fee schedule to be applied in the calculation of all construction related fees assessed by the City.
(Ord. 2002-01, 01-09-2002)

4-3-1.2. Building Valuation Schedule.

The most current building valuation data table published by the International Conference of Building Officials in the periodical “Building Standards” shall serve as the basis for establishing the value of building projects within Tooele City.
(Ord. 2002-01, 01-09-2002)

4-3-2. Building permit issuance contingent upon adequate water and sewer service.

(1) A building permit may not be issued until the applicant provides acceptable evidence, if requested, that the premises for which the building permit is requested will be supplied with potable culinary water supply of at least 20 pounds per square inch.

(2) A building permit may not be issued until such time as the applicant provides acceptable evidence, if requested, that the premises for which the building permit is desired will be supplied with sanitary sewer collection service in compliance with the Tooele City Code. (Ord. 91-09, 11-14-91)

4-3-3. Penalties.

(1) Any person who violates any of the provisions of the " Building Code" or the "International Building Code Standards" or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a class C misdemeanor. The imposition of one penalty for any violation such not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the penalty identified in Subsection (1) shall not be held to prevent the enforced removal of prohibited conditions.
(Ord. 2004-15, 10-20-04); (Ord. 91-09, 11-14-91)

CHAPTER 4. ELECTRICAL CODE

4-4-1. National Electric Code.

Tooele City recognizes that the State of Utah has adopted the National Electric Code, as amended and/or revised, as law governing the State of Utah and all political subdivisions thereof. To the extent that Tooele City is not preempted by the law of the State of Utah from adopting the National Electric Code as an ordinance of Tooele City, its most current edition is so adopted. (Ord. 2003-04, 02-05-03); (Ord. 98-04, 01-21-98); (Ord. 97-10, 03-19-97); (Ord. 94-34, 05-24-94)

4-4-2. Penalties.

Any person, firm or corporation violating any provision of the National Electrical Code shall be deemed guilty of a class C misdemeanor and shall be subject to a fine under Section 76-3-301, Utah Code Annotated, or by imprisonment in the Tooele County jail for a period not exceeding 90 days, or by both such fine and imprisonment." (Ord. 94-34, 05-24-94)

CHAPTER 5. PLUMBING CODE

4-5-1. International Plumbing Code.
4-5-2. Penalties.

4-5-1. International Plumbing Code.

The most recent edition of the International Plumbing Code (IPC), as adopted by the Utah Division of Occupational and Professional Licensing, is incorporated by reference as part of the Tooele City Code, subject to amendments and modifications set forth in the Utah Building Standards Act Rules.
(Ord. 2002-01, 01-09-2002); (Ord. 98-04, 01-21-98); (Ord 91-12, 11-19-91)

4-5-2. Penalties.

(1) Any person who violates any of the provisions of the "International Plumbing Code," or its appendices, or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a class C misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit such to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. Each day or any portion thereof during which any violation of this section occurs or continues shall constitute a separate offense.

(2) The application of the penalty identified in Subsection (1) shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 2002-06, 04-03-02); (Ord. 91-12, 11-19-91)

CHAPTER 6. RESIDENTIAL HOUSING

4-6-1. Title.
4-6-2. Construction of terms.
4-6-3. Definitions.
4-6-4. Purpose and scope.
4-6-5. Alternate materials and methods of construction.
4-6-6. Authority.
4-6-7. Right of entry.
4-6-8. Notices and orders.
4-6-9. Vacating and closing to occupancy.
4-6-10. Removal of placards and posted notices.
4-6-11. Violation - Penalty.
4-6-12. Certificate of compliance.
4-6-13. Housing advisory and appeals board.
4-6-14. Appeals.
4-6-15. Substandard building.
4-6-16. Minimum exterior standards.
4-6-17. Minimum environmental or sanitary standards.
4-6-18. Minimum interior standards.
4-6-19. Exterior and interior doors, trim, and hardware.
4-6-20. House addressing.
4-6-21. Space and occupancy standards.
4-6-22. Light and ventilation.
4-6-23. Fire safety egress.
4-6-24. Plumbing.
4-6-25. Mechanical.
4-6-26. Electrical.
4-6-27. Energy conservation requirements.
4-6-28. Guidelines for Manufactured Housing Installation Adopted.

4-6-1. Title.

This chapter shall be known as the Tooele City Housing Ordinance. (Ord. 94-13, 03/15/94)

4-6-2. Construction of terms.

(1) Whenever the words "apartment house," "building," "dormitory," "dwelling unit," "habitable room," "hotel," "housing unit" or "structure" are used in this chapter such words shall be construed as if followed by the words "or any portion thereof."

(2) References to codes, ordinances, chapters, sections, or subsections shall include any successor to such code, ordinance, chapter, section, or subsection. (Ord. 94-13, 03/15/94)

4-6-3. Definitions.

As used in this chapter:

(1) "Agent" means any person, firm, partnership, association, joint venture, corporation, or other entity who acts for or on behalf of others.

(2) "Apartment house" means any building which contains three or more dwelling units and, for the purpose of this code, includes residential condominiums.

(3) "Approved" as to a given material, mode of construction or repair, piece of equipment, or device means approved by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities or technical or scientific organizations.

(4) "Attic" means that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

(5) "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

(6) "Bathroom" means a room containing at least one of each of the following fixtures: lavatory, toilet, and tub or shower.

(7) "Bedroom" means any space designed or used for sleeping.

(8) "Building" means any structure which is used, designed, or intended to be used for human habitation or an accessory structure thereto.

(9) "Building closure," "closed to entry," "closed to unauthorized entry" or "boarded building" means a building which has been closed to occupancy.

(10) "Building envelope" means the space defined by existing floors, walls, ceiling structures, basement and attic.

(11) "Building official" means the officer or other designated authority charged with the administration and enforcement of this chapter, or the officer's duly authorized representative.

(12) "Ceiling height" means the vertical distance from the finish floor to finish ceiling or to the lowest point of the ceiling framing members. Where projections below the ceiling exist, the height shall be measured from the projection to the finish floor.

(13) "Certificate of occupancy" means a certificate issued by the building official authorizing occupancy of a building which has previously been closed to occupancy by the City.

(14) "Common room" means a room available for the joint use of occupants of two or more housing units other than common hallways and exit passages. These shall include cooking facilities, and game rooms.

(15) "Condominium" means property or portions thereof conforming the definition set forth in Section 57-8-3, Utah Code Annotated, 1953, as amended.

(16) "Congregate housing" means any building which contains facilities for living, sleeping and sanitation, as required by this code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence includes an SRO, a convent, monastery, dormitory, fraternity or sorority house but does not include shelters, jails, hospitals, nursing homes, hotels or lodging houses.

(17) "Corridor" means a hall or hallway.

(18) "Cross connection" means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which unclean or polluted water or other substances may contaminate such potable water supply system.

(19) "Dwelling unit" means any building which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this chapter, for no more than one family, or a congregate residence for ten or fewer persons.

(20) "Efficiency dwelling unit" means a dwelling unit containing only one habitable room.

(21) "Existing" means in existence prior to adoption of this chapter and the certificate of occupancy having been issued.

(22) "Exit" means a continuous and unobstructed means of egress to a public way and includes any intervening aisles, doorways, gates, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts and yards as these terms are defined in the IBC.

(23) "Family" means the same as defined in Chapter 4 of the IBC.

(24) "Fire resistance or fire-resistive construction" means construction that resists the spread of fire, as specified in the IBC.

(25) "Garage" means a building or portion thereof designed, used, or intended to be used for parking or storage of a motor vehicle containing flammable or combustible liquids or gas in its tank.

(26) "Guest" means any person occupying a guest room pursuant to a rental agreement.

(27) "Guest room" means a room or rooms used or intended to be used by a guest for living and sleeping and which may share common bathrooms and cooking facilities.

(28) "HAAB" means the City's Housing Advisory and Appeals Board.

(29) "Habitable room" means a room in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, corridors, storage or utility space, and similar areas are not habitable rooms.

(30) "Hazard" means a substandard condition that exposes any person to the risk of illness, bodily harm, or loss of or damage to possessions.

(31) "Headroom clearance" for stairs means the vertical distance from the leading edge of each tread to the lowest projection of any construction, piping, fixture, or other object above such tread.

(32) "Historic building" means any building or structure which has been designated for preservation by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance, or has been listed on the National Register of Historic Places or on the Utah State Register of Historic Places.

(33) "Hotel" means any building containing guest rooms intended or designed to be used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests on a daily basis.

(34) "IBC" means the edition of the International Building Code currently adopted by the City.

(35) "IMC" means the edition of the International Mechanical Code.

(36) "IPC" means the edition of the International Plumbing Code.

(37) "Infestation" means the presence of insects, rodents, or other pests in or around a building in numbers that are or may be detrimental to the health, safety, or general welfare of the occupants.

(38) "Kitchen" means a space or room used, designed, or intended to be used for the preparation of food, which includes a permanently installed sink, cooking range with oven and/or microwave oven, and a refrigerator.

(39) "Listed" and "listing" are terms referring to equipment and materials which are shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

(40) "Monumental stairs" means a stairway, exceeding four feet in width, at the main entrance on the exterior of a building.

(41) "Multiple-family structure" means a residential building containing three or more dwelling units.

(42) "NEC" means the edition of the National Electrical code currently adopted by the City and the State of Utah.

(43) "Occupant" means a person occupying or having possession of a dwelling unit.

(44) "Opening" means an exterior glazed opening capable of being closed to the weather, including a window, a glazed door, and an openable glazed skylight, which opens upon a yard, court, street, alley, or recess from a court.

(45) "Owner" means any person, firm, partnership, association, joint venture, or corporation, who has title or interest in any building, with or without accompanying actual possession, and including any person who as agent or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

(46) "Pattern of circulation" means any area in a room or group or rooms where the occupant is likely to walk because of the location of doors, fixtures, or furniture placement when size of room restricts furniture placement. Pattern of circulation does not

include room corners, areas adjacent to walls, or permanently mounted fixtures near walls or near other features of the room. Fixtures, pipes, and ducts projecting from the ceiling which are located near the middle of the room are within the pattern of circulation.

(47) "Person" means any individual, firm, corporation, association, or partnership and its agents or assigns.

(48) "Plumbing system" means any potable water distribution piping, and any drainage piping within or below any building, including all plumbing fixtures, traps, vents, and devices appurtenant to such water distribution or drainage piping and including potable water treating or using equipment, and any lawn sprinkling system.

(49) "Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

(50) "Private guardrail" means a railing serving one dwelling unit with no direct access by the public.

(51) "Public guardrail" means a railing other than a private guardrail.

(52) "Public way" means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width of not less than ten feet.

(53) "Rise" means the vertical portion of a stair step.

(54) "Run" means the horizontal portion of a stair step measured from the leading edge of the stair tread to a point directly beneath the leading edge of the step directly above.

(55) "SRO" means a single room occupancy dwelling unit within congregate housing with one combined sleeping and living room and which may include a kitchen and/or a separate private bathroom.

(56) "Secured building" means a building where all windows and doors are intact and locked against unauthorized entry.

(57) "Smoke detector" means an approved, listed device which senses visible or invisible particles of combustion.

(58) "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50% of the total perimeter or is more than twelve feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

(59) "Story, first" means the lowest story in a building which qualifies as a story, as defined herein, except that floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50% of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

(60) "Structure" means anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together.

(61) "Substandard" means that condition of a premises set forth at Section 4-6-14 of this chapter.

(62) "Toilet room" means a room containing a toilet and may contain a lavatory, but does not contain a tub or shower.

(63) "UCADB" means the edition of the Uniform Code for the Abatement of Dangerous Buildings.

(64) "Unfit for human occupancy" means a condition of a premises which as been found by the building official to be an unsafe structure or because of the degree in which it is in disrepair or lacks maintenance, fails to meet the sanitation requirements of the Tooele County Health Department, contains filth and contamination, or lacks ventilation, illumination, sanitary facilities, or heating facilities or other essential equipment, is dangerous to life, health, property, or the safety of occupants.

(65) "Unsafe structure" means one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or occupants by not providing minimum safeguards for protection from fire as required by the IBC or because such structure contains unsafe equipment or is so damaged, dilapidated, or structurally unsafe that partial or complete collapse is likely.

(66) "Ventilation, natural" means any exterior door, window, or skylight which opens upon a yard, court, street, or alley.

(67) "Washable surface" means a surface which is not adversely affected by moisture.

(68) "Yard" means an open space, other than a court, unoccupied by any structure on the lot on which a building is situated, unobstructed from the ground to the sky except as specifically permitted by the IBC. (Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-4. Purpose and scope.

(1) The purpose of this chapter is to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of Tooele City and its present and future inhabitants and businesses, to protect the tax base, to protect both urban and non-urban development, and to protect property values within the city, as provided by Section 10-9-102, Utah Code Annotated, and other applicable state statutes. This purpose shall be accomplished by regulating the maintenance, repair, and remodeling of all residential structures existing as of the date of enactment of the ordinance codified by this chapter by:

(a) establishing minimum housing standards for all buildings or portions thereof used, or designed or intended to be used, for human habitation;

(b) establishing minimum standards for safety from fire and other hazards;

(c) promoting maintenance and improvement of structures by permitting distinctions in the application of standards based on the year a structure was built as long as an equivalent level of safety can be achieved;

(d) avoiding the closure or abandonment of housing and the displacement of occupants where such can be done without sacrificing the public health, safety, and welfare; and

(e) providing for the administration, enforcement, and penalties for this chapter.

(2) This chapter is intended to replace and supplant any and all references to the Uniform Housing Code within the city code.

(3) The scope of housing standards covered by this chapter includes residential structures existing as of the date of enactment of the ordinance codified by this chapter, equipment, and facilities for light, ventilation, space, heating, sanitation, and protection from the elements, and for safe and sanitary maintenance.

(4) This chapter shall apply to remodeling, renovation, or repair of all residential buildings existing as of the date of enactment of this chapter, regardless of the valuation of the repairs or renovations and regardless of the date of such remodelling, renovation or repair, unless otherwise noted in this chapter. Unless otherwise noted in City housing and building codes, all external additions to an existing building envelope shall comply with the city's standards for new construction.

(5) With regard to residential buildings which were constructed in compliance with the code in effect at the time of construction, this chapter shall not lessen such requirements.

(6) Residential buildings which pose such a danger as to fall within the scope of Section 302 of the UCADB shall be governed by the UCADB and not by this chapter. If any conflict exists between this chapter and the UCADB, the UCADB shall be controlling.

(7) Any building undergoing a change in use as defined in the IBC and the Code for Building Conservation shall comply with the provisions of the IBC.

(8) No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the building official.

(9) The requirements of the IBC notwithstanding, permits are not required for the following:

(a) floor covering installation;

(b) painting and attaching wall coverings, and similar finish work;

(c) replacement of glazing except where safety glazing is required by the IBC;

(d) patching wall surfaces;

(e) replacement of light fixtures;

(f) replacement of electrical wall outlets and switches;

(g) replacement of faucets, washers, and traps (when the trap is replaced with like installation and the trap arm and the existing vents and drain liens are not disturbed);

(h) repair of irrigation pipelines where the backflow preventers exist or are not being replaced;

(i) addition to a forced air heating system of no more than two ducts with no more than one register per duct;

(j) replacement of filters, belts, and motors in mechanical systems;

(k) installation of any number of battery operated smoke detectors or one 120 volt smoke detector;

(l) replacement of sidewalks on private property; or

(m) installation of one ventilation fan.

(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-5. Alternate materials and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter and the IBC, provided any such alternate has been approved and its use authorized by the building official in conformance with Section 105 of the IBC, nor is it the intention of this chapter to exclude any sound method of structural design or analysis not specifically provided for in this chapter. Materials, methods of construction, or structural design limitations provided for in this chapter are to be used unless an exception is granted by the building official.

(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-6. Authority.

(1) The building official is hereby authorized and directed to enforce all the provisions of this chapter. For such purposes, the building official may issue and deliver criminal citations as provided by state law.

(2) The building official shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this chapter.

(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-7. Right of entry.

(1) Whenever it becomes necessary to make an inspection to enforce any provisions of this chapter, or whenever the building official has reasonable cause to believe there exists in any building or upon any premises a code violation which makes such building or premises unsafe, dangerous, or hazardous, the building official may, upon obtaining permission of the owner or other person having charge or control of the building or premises, or upon obtaining a warrant, enter a residential property or premises to inspect it or to perform the duties imposed by this chapter. If such building or premises be occupied, the building official shall first present proper credentials and request entry. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

(2) If an unoccupied dwelling unit is open and unattended and the owner or other person having charge or control of the building or premises cannot be located after reasonable effort, the building official or an authorized representative may, upon obtaining a warrant, enter the building. The official shall issue a notice and order that the dwelling unit be immediately secured or boarded against the entry of unauthorized persons.

(3) In non-emergencies or when authorization to enter has not previously been granted by a tenant, the owner shall give the tenant a minimum of 24 hours notification of an inspection of the tenant's premises by the building official. (Ord. 94-13, 03/15/94)

4-6-8. Notices and orders.

(1) All buildings or portions thereof which are determined to be substandard are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in this chapter.

(2) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure or cause or permit the same to be done in violation of this chapter.

(3) (a) Whenever the building official has inspected a building and found it to be substandard, the building official shall commence action to cause the repair, rehabilitation, vacation, or demolition of the building.

(b) The building official shall notify the owner or the owner's agent of the existence of the violations in writing, giving the section number and a description of each violation.

(c) This notice shall be informal and shall set a period of not less than 24 hours nor more than 30 days in which the violations are to be corrected, and may set priority of the items to be corrected, depending upon the urgency of such violations. A formal notice which shall include an order shall be issued in the following instances:

(i) when a structure is found unfit for human occupancy or when violations pose a serious life-safety danger to occupants and require correction;

(ii) when a building poses an immediate threat to the safety of the public and must be demolished immediately; or

(iii) when an owner has not complied with an informal notice.

(d) All notices and orders shall be directed to the owner of record and authorized or acting manager or agent of any building. The formal notice and order shall contain:

(i) the street address and legal description of the parcel upon which the building is located;

(ii) the action required to be taken by the owner;

(iii) the date or dates by which the work is to be accomplished;

(iv) actions the building official is empowered to take if the order is not obeyed in the time allotted; and

(v) an explanation of the owner's right to appeal.

(4) (a) Service of the formal notice and order shall be made upon all persons designated therein either personally or by mailing a copy of such notice and order by certified mail, return receipt requested, and by regular mail, with postage prepaid on both mailings, to each such person at the address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(b) Proof of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made, including service by regular mail. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

(c) A notice shall be posted on the property stating that a formal notice and order has been issued against the property.

(d) Formal notices and orders to vacate shall be posted on the property and on every dwelling unit

door affected thereby.

(5) Extensions of time may be granted by the building official. Time extensions may not exceed one year. (Ord. 94-13, 03/15/94)

4-6-9. Vacating and closing to occupancy.

(1) When a structure is found by the building official to be unsafe to occupy or unfit for human occupancy or use, the building official may require the building and/or the premises immediately vacated and closed to entry. At the discretion of the building official, a portion of a vacated building may be occupied if the occupied portion meets the standards for habitable buildings specified in this chapter and the vacated and closed portion complies with the City's standards for vacant buildings.

(2) When the building official orders the termination of the occupancy of a dwelling unit, the owner shall remove the bathroom and kitchen plumbing fixtures and all cooking appliances, except that when the kitchen and/or bathroom is incorporated into a unit allowed by this code, the kitchen and/or bathroom fixtures may remain.

(3) The building official shall post on the premises or structure a placard bearing the words:

DO NOT ENTER
UNSAFE TO OCCUPY
It is a misdemeanor to occupy
this building, or to remove
or deface this notice.

_____ _____
Date: Building Official
Tooele City Corporation

(4) It shall be unlawful for any person to use or occupy, or cause or permit any person to use or occupy any portion of any building which portion has been declared unsafe to occupy after the vacation date until the building official certifies that the conditions described in the vacation order have been corrected.

(5) The building official may stay enforcement for buildings that are and remain vacated and secured, provided the lot is kept free of debris and weeds as prescribed by Section 4-6-15 of this code. Such stay of enforcement may continue so long as the building remains vacant and secured and does not pose a further danger.

(6) Nothing in this chapter shall prevent the building official from enforcing the UCADB with respect to any structure which is found by the building official to be unsafe to occupy or unfit for human occupancy or use. (Ord. 94-13, 03/15/94)

4-6-10. Removal of placards and posted notices.

The building official shall remove the placard when the violation upon which the closure was based has been corrected. Any person who defaces or removes a closure placard without the approval of the building official shall be subject to penalties provided by this chapter. (Ord. 94-13, 03/15/94)

4-6-11. Violation - Penalty.

(1) If, after any formal notice and order of the building official or the HAAB made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may pursue one or more of the following remedies:

(a) cause such person to be prosecuted under subsection 2 of this section;

(b) institute any appropriate action to abate such building as a public nuisance.

(2) Failure of any person to comply with the requirements of this chapter or to comply with any vacation order or any notice and order shall constitute a class C misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit to continue. When not otherwise specified, each day that a violation continues shall constitute a separate offense and shall be punishable by law. (Ord. 94-13, 03/15/94)

4-6-12. Certificate of occupancy.

Following correction of the deficiencies and prior to re-occupying of any structure closed to occupancy, the building official shall issue a certificate of occupancy. (Ord. 94-13, 03/15/94)

4-6-13. Housing advisory and appeals board.

(1) There is hereby established a Housing Advisory and Appeals Board (HAAB). The HAAB shall have the authority and power to:

(a) interpret the provisions of this chapter;

(b) hear and decide appeals where it is alleged there is an error on any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter;

(c) modify the impact of specific provisions of this chapter which create practical difficulties in their enforcement, so long as the means by which the mitigation is employed accomplish the purposes of the original requirements;

(d) extend time deadlines provided in this chapter, for good cause;

(e) recommend new procedures to the building official and new ordinances regulating housing to the city council; and

(f) conduct abatement hearings pursuant to chapter 4-6-2 of this code.

(2) The HAAB shall consist of five members who are not employees of the City who shall be appointed by

the mayor with the advice and consent of the city council. Members shall hold office for a term of three years and may be appointed for only one additional term. Terms shall be staggered so that the regular terms of no more than four members shall terminate in any one year. Members shall serve until their duly appointed successors are appointed. Any successor appointed to fill a vacancy on the board shall serve out the original term, and may be eligible to serve two additional three-year terms, not to exceed a total of eight years.

(3) The HAAB shall adopt reasonable rules and regulations for conducting hearings and other business consistent with the procedures for appeals and abatement hearings as set forth herein. All decisions shall be reflected in the minutes and reduced to writing in an abstract of findings and order which shall be filed with the building official and a copy mailed to the appellant or parties-in-interest. Records of decisions shall be maintained by the building official in a form freely accessible to the public.

(4) The concurring vote of a majority or of a majority of a quorum of the HAAB shall be necessary to reverse any order, requirement, or determination of the building official, or to decide in favor of an appellant on any matter it is required to determine. (Ord. 94-13, 03/15/94)

4-6-14. Appeals.

(1) Any property owner or his agent affected by any formal notice and order which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, shall have the right to appeal the matter before the HAAB, provided that the appeal is filed within 30 days of the service of the formal notice and order, except that appeals of formal notices and orders to vacate must be filed within ten days of service.

(2) Appeals shall be submitted on an appeal form provided by the city recorder. The appellant shall state the specific order or action protested and a statement of the relief sought, along with the reasons why the order or action should be reversed, modified, or otherwise set aside.

(3) Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of that person's right to an appeal.

(4) The timely filing of an appeal shall stay further action by the building official to enforce correction of the specific violations being appealed, except there shall be no stay of enforcement when the building official determines that the condition of the premises poses an immediate danger to the occupants or to public safety. When such cases arise, the building official shall convene a special HAAB hearing as soon as possible which shall consider possible ratification, reversal or modification of the building official's action.

(5) Before any hearing is held before the HAAB, the HAAB shall inspect the building or premises involved. Prior notice of such inspection shall be given to the owner who shall be given an opportunity to be present at such inspection. Upon completion of the inspection, the chairperson shall state for the record the material facts observed at the inspection, which facts shall be read at the initiation of the hearing. Failure of the owner to provide access without good cause shall not constitute a reason for the hearing to be postponed.

(6) Written notice of the time and place of all HAAB inspections shall be mailed to the appellant at least ten days prior to the date of such inspection or hearing, except for vacation orders where the appellant shall be notified at least two days in advance.

(7) The owner may represent himself or be represented by someone having legal authority to act in the owner's behalf. Each party may call and examine witnesses on any relevant matter, introduce documentary and physical evidence, and cross-examine opposing witnesses. Any relevant evidence shall be admitted.

(8) A record of the entire proceeding of all hearings before the HAAB shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the HAAB. The record shall be retained on file in accordance with the city recorder's retention schedule.

(9) The decision of the HAAB shall be effective upon issuance of the board's written decision.

(10) Any person aggrieved by any decision of the HAAB made under this section may appeal such decision to the mayor within ten days of the written decision of the HAAB. The mayor may consider testimony from any interested party and shall render a written decision within 30 days of the filing of the appeal to the mayor. If the mayor determines that the decision of the HAAB is supported by the evidence and is not arbitrary or capricious, the mayor shall affirm the decision.

(11) An appeal from a decision of the mayor shall be made to a court of competent jurisdiction no later than 30 days from the date of issuance of such decision. (Ord. 94-13, 03/15/94)

4-6-15. Substandard buildings.

Any building covered by this chapter shall be deemed substandard if there exists a condition which places the safety of the occupants or the public at risk. A building shall be deemed substandard if it does not meet the minimum housing and maintenance standards of this chapter. (Ord. 94-13, 03/15/94)

4-6-16. Minimum exterior standards.

(1) Sidewalks and driveways on private property shall have hard, even surfaces with cracks or differential settlement not exceeding one inch elevation difference,

except legally installed gravel driveways shall be permitted to remain.

(2) Loose bricks in chimneys shall be repaired and missing chimney caps shall be replace.

(3) All roofs, floors, walls, chimneys, foundations, and other structural components shall be repaired when they no longer retain their structural integrity.

(4) Exposed materials that require weather protection and exterior surfaces that are deteriorating shall be sealed to the extent necessary to keep cold, wind, water, or dampness from the interior of the structure.

(5) All surface water shall drain away from the structure.

(6) Windows that are required by this chapter for light and ventilation are to be glazed with approved glazing as specified in the IBC. Window openings not required to meet light and ventilation standards may be sealed.

(7) Rain gutters and downspouts, when provided, shall be kept in good repair and clear of debris.
(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-17. Minimum environmental or sanitary standards.

(1) Garbage and refuse storage and removal shall meet the requirements of the Tooele County Health Department.

(2) There shall be no insect or rodent infestation in violation of Tooele County Health Department regulations. (Ord. 94-13, 03/15/94)

4-6-18. Minimum interior standards.

(1) In kitchens and bathrooms, floors and walls adjacent to sinks, lavatories, toilets, and tubs shall be finished with a material that is not adversely affected by moisture, except in single-family dwellings carpet may be installed on kitchen and bathroom floors.

(2) All floor and stair coverings shall be maintained so that tripping hazards are minimized.

(3) All wall and ceiling coverings shall be maintained so that they are secure and substantially intact. (Ord. 94-13, 03/15/94)

4-6-19. Exterior and interior doors, trim, and hardware.

(1) All doors, trim, and hardware shall be kept in good working condition. Each dwelling unit shall have approved locks for exterior doors which are keyed from the exterior and are operable from the interior without the use of a key or other special equipment or knowledge.

(2) Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins. (Ord. 94-13, 03/15/94)

4-6-20. House addressing.

House numbers and other identifying data shall be displayed as follows:

(1) All buildings used for human occupancy shall display a house number in a prominent location of the street side of the building in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four inches in height and shall be of a contrasting color to the background to which they are attached.

(2) Each individual unit within any multiple-family structure shall display a prominent identification number, not less than two inches in height, which is easily visible to approaching vehicular or pedestrian traffic. (Ord. 94-13, 03/15/94)

4-6-21. Space and occupancy standards.

(1) (a) Existing and reconstructed stairways shall have a minimum headroom clearance height of six feet four inches, except there shall be no minimum requirement for stairs to non-habitable rooms or areas.

(b) The minimum ceiling height for all habitable rooms shall be six feet four inches, except projections shall be allowed to six feet zero inches when the projection is not in the pattern of circulation, projections are not greater than 20 percent of the floor area of the room, the window requirements of this chapter for light and ventilation are met, and a 120 volt electrical powered smoke detector is installed in such room, with the exception of a kitchen.

(c) The minimum ceiling height for nonhabitable rooms shall be six feet four inches, except storage rooms or storage areas shall have no minimum ceiling height requirement.

(d) Bathrooms shall have a minimum ceiling height of six feet four inches with no projections. The bathroom ceiling height at the back of a lavatory, toilet, or tub without shower may be sloped to a minimum height of five feet zero inches at the wall when the ceiling height is no less than six feet five inches at a point 18 inches from said wall.

(e) In any room with a sloping ceiling, at least one-half the floor area shall have a minimum ceiling height as required by Subparagraph (b) of this Section. No portion of the room with a ceiling height below five feet zero inches may be used in the floor area computation.

(f) A ceiling height of six feet four inches shall be required in corridors, and the minimum width of corridors shall be 36 inches, except in dwelling units constructed prior to 1983, a minimum corridor width of thirty inches shall be permitted.

(g) Additions made to the exterior of an existing building envelope shall meet the requirements of the IBC. New construction within the existing

building envelope shall meet the requirements of this chapter.

(2) (a) Dwelling units and congregate housing shall have at least one room with not less than one hundred 20 square feet of floor area. Other habitable rooms except kitchens shall have an area not less than 70 square feet. Habitable rooms other than a kitchen shall not be less than seven feet in length or width.

(b) Every room used for sleeping shall have not less than 70 square feet of floor area. Where more than two persons occupy a room used for sleeping, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

(c) No portion of a room with a ceiling height below five feet zero inches may be used in the floor area computation.

(3) An efficiency dwelling unit shall:

(a) have a living room of not less than 190 square feet of floor area, with an additional 100 square feet of floor area for each occupant in excess of two;

(b) be provided with a closet;

(c) be provided with a kitchen sink, cooking range with oven and/or microwave oven, and refrigeration facilities each having a clear working space of not less than 30 inches in front;

(d) be provided with a bathroom containing a toilet, lavatory and bathtub or shower.

(4) An SRO room shall have an area of not less than 70 square feet. For SRO rooms less than 120 square feet, a common room shall be provided of at least 120 square feet serving no more than ten units, with a minimum of one common room per floor. The common room may be a common kitchen when separate rooms are not provided with cooking facilities.

(5) As long as cooking facilities for individual units in hotels, motels, and congregate housing do not encroach into the required floor area, each individual unit may have cooking and eating facilities, provided all of the following items are supplied:

(a) a cooking range with oven and/or microwave oven, but hot plates, electric fry pans, and similar heating units shall not meet this requirement;

(b) an approved kitchen sink, with a minimum dimension of twelve inches by twelve inches by four inches deep;

(c) a minimum of four square feet of counter space; and

(d) a refrigerator.

(6) When cooking facilities are not provided within individual units, congregate housing shall have provided a common kitchen area which shall contain the following minimum facilities: a sink for each 20 tenants or portion thereof, a range and oven for each 20 tenants or portion thereof, and a refrigerator for each ten tenants or portion thereof. The minimum kitchen area shall be 70 square feet for the first ten occupants or portion thereof, and an additional 30 square feet for each additional ten persons or portion thereof.

(7) Each dwelling unit shall have a kitchen and bathroom within the dwelling unit. The bathroom shall have a tight-fitting door when the entry to the room is through a kitchen. Every bathroom shall be provided with a means to ensure privacy.

(8) All cooking appliances shall be maintained in good working condition.

(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-22. Light and ventilation.

(1) (a) Every habitable room shall have at least one window facing directly to the outdoors to provide natural light. The minimum total window area shall equal one-twentieth or more of the floor area, with a minimum of three square feet.

(b) The glazed area of an exterior door may be used for purposes of computing window size for natural light when an appropriate size window is installed in the door.

(c) For the purpose of meeting light or ventilation requirements, as well as emergency egress, a room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

(2) (a) (i) Except as provided in Subsections (2)(a)(ii) and (iii), all habitable rooms shall be provided with natural ventilation by means of openings to the exterior which have the capability of being closed to the weather. Total openings shall have an area at least 1/20th of the floor area or three square feet, whichever is greater.

(ii) Habitable rooms containing a mechanical ventilation system shall be allowed in lieu of openings for natural ventilation. Such system shall create a positive pressure in the room and the air intake shall be connected directly to the outside and be capable of two air exchanges per hour. The air intake source shall be located at least three feet above any vent, or exhaust fan outlet which is with ten feet of the air intake. Intake source is not permitted where it will pick up objectionable odors, fumes, flammable vapors, or less than ten feet above the surface of any abutting public way.

(iii) Exterior doors may be used for the purpose of natural ventilation. When used as such, a screen shall be installed thereon.

(b) (i) Except as provided in Subsection (b)(ii), (iii) and (iv), all bathrooms, toilet rooms, laundry, and similar rooms shall be provided with natural ventilation by means of openings to the exterior which have the capability of being closed to the weather. Such openings shall have a total area not less than one-twentieth of the floor area of the room, with a minimum of one and one-half square feet.

(ii) Bathrooms and laundry rooms containing a mechanical exhaust system connected directly to the outside shall be allowed if such system is capable of providing five air exchanges per hour. The exhaust air shall discharge at least three feet above or ten feet away from any air intake source. Toilet rooms may be ventilated with an approved recirculation fan or similar device designed to remove odors from the air.

(iii) Mechanical venting of bathrooms into the attic shall be acceptable as long as provisions of Section 3205(c) of the IBC are met.

(iv) Bathrooms constructed prior to 1970 vented with gravity vent openings extending to the outside shall meet the ventilation requirement as long as the walls, ceiling and floor are not adversely affected by moisture.

(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-23. Fire safety egress.

(1) All buildings, premises, equipment, and apparatus shall be in a condition such that no hazard of fire exists.

(2) (a) Every dwelling unit or guest room shall have a safe, continuous, and unobstructed means of egress of a minimum height of six feet four inches and a minimum width of thirty inches directly to the public way.

(b) Every sleeping room located below the fourth story shall have at least one openable window or exterior door approved for emergency egress or rescue. The opening shall have a minimum of three square feet of openable space or clear opening dimensions of at least 18 inches high and 24 inches wide, except either height or width may be reduced to a minimum of 16 inches when the corresponding dimension is increased by three inches or each one inch the first dimension is diminished.

(c) There shall be a maximum window sill height of 44 inches for at least one window in all bedrooms or other rooms used for sleeping. If the distance from the floor to the window sill is more than 44 inches for such window, a permanent platform of substantial construction attached to the floor or wall may be installed to meet the maximum height requirement. The minimum dimensions of such platform shall be twelve inches deep and the same width as the openable portion of the window, but in no case less than 24 inches in width.

(i) if minimum light and ventilation requirements are met, the requirements of Subsection (2)(c) shall not apply if there are two approved exit doors from the room leading to separate exit-ways.

(ii) if minimum light and ventilation requirements are met, there is no minimum sill height requirement in bedrooms of dwelling units constructed before 1970 except for bedrooms in basement areas.

(d) For windows that are below grade, a window well shall be provided whose length is the width of the window and which extends at least 18 inches out from the exterior of the building. When the distance from the top of the window well to its bottom exceeds 48 inches, it shall have a permanently mounted platform or ladder. Grates are permitted over window wells if hinged to pivot away from the structure and not weighing over 15 pounds per section of the grate.

(e) Bars, grills, grates, or similar devices may be installed on emergency escape or rescue windows or doors, provided such devices are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort.

(3) Stairs and handrails shall meet the requirements of Chapter 33 of the IBC with the following modifications:

(a) Handrails are required for all public stairs with four or more risers. Two handrails shall be required when the width of the stairs is 48 inches or more.

(b) Handrails shall be placed not less than 30 inches nor more than 38 inches above the outermost edge of the tread.

(c) Existing interior stairs and exterior stairs constructed before 1970 shall have a minimum width of 30 inches.

(d) Existing interior and exterior stairs shall have a rise of no more than eight inches and a run of not less than nine inches. Within any flight of stairs, the greatest riser height shall not exceed the smallest by more than 3/4 inch, nor shall the largest tread run exceed the smallest by more than 3/4 inch.

(i) Notwithstanding Subsection (d), on winder, circular, or spiral stairs the width of the tread may be less than six inches on the inside edge, if six inches are maintained at a distance no less than 30 inches from the outside edge of the stairs.

(ii) There shall be no minimum rise or run requirement not maximum variation in the rise and run for stairs leading only to mechanical, storage, and utility rooms provided the stairs are structurally sound and handrail is installed.

(e) Stairs in the interior or exterior of an existing building which are completely rebuilt shall meet the IBC requirements for new stairs.

(4) (a) Guardrails shall be required for all balconies, porches, patios, and open stairs more than 30 inches above or below grade. Guardrails shall also be required for any grade change more than 30 inches next to a walking surface. Guardrails shall not be less than 42 inches in height, except for guardrails serving private dwelling units which shall have a minimum height of 36 inches.

(i) Public guardrails may have a minimum height of 36 inches if the building was built before 1970.

(ii) Guardrails having a height less than 36 inches shall be allowed if they were installed as part of the building's original construction and are not a replacement.

(b) Open guardrails shall have intermediate rails or an ornamental pattern such that there is no open area in excess of four inches in diameter. The foregoing notwithstanding, the diameter of such open space may be nine inches for buildings built before 1985 and six inches for those built between 1985 and 1991.

(5) (a) Smoke detectors shall be required in all dwelling units. Such detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping. In efficiency dwelling units, hotel sleeping rooms and hotel suites, the detector shall be centrally located on the ceiling or wall of the main room or hotel sleeping room.

(b) Where sleeping rooms are on an upper level, the detector shall be placed at the ceiling or wall directly above the stairway immediately outside the bedrooms. Wall mounted detectors shall be mounted as near to the ceiling as possible, but no detector shall be mounted within twelve inches of any corner formed by the meeting of walls, ceilings, beams, or structure. When activated, the detector shall provide an alarm in the dwelling unit or guest room.

(c) When repairs to a structure are made which exceed $1,000.00 or when one or more sleeping rooms are added or created to a structure, smoke detectors shall be installed in compliance with Section 1210 of the IBC.

(6) Except as provided herein, any wall or ceiling separating dwelling units shall be maintained in its original condition with all penetrations sealed or covered with an approved material. Walls and ceilings separating a garage or carport from a dwelling unit or common area shall be maintained in their original condition with all penetrations sealed or covered with an approved material as specified by the IBC, except when 50% or more of a wall or ceiling is removed for any reason, the entire wall or ceiling shall be reconstructed to meet the requirements of the IBC for one-hour occupancy separation.

(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03/15/94)

4-6-24. Plumbing.

(1) (a) Unless provided otherwise in this chapter, plumbing, piping and fixtures shall be in accordance with the code in effect at the time of installation.

(b) Plumbing, piping and fixtures shall not contain leaks. All waste lines must be connected to an approved sewer system and shall be maintained in good condition. All waste lines shall be connected to an approved sewer system.

(c) The minimum plumbing fixtures required for congregate housing are a lavatory, toilet, and tub or shower for each ten occupants or portion thereof and a kitchen sink.

(d) There shall be cold running water plumbed to each toilet and hot and cold running water plumbed to each lavatory, tub, shower, laundry and kitchen sink.

(e) The minimum plumbing fixtures for dwelling units are a lavatory, toilet, tub or shower, and kitchen sink.

(f) There shall be a space without obstruction from floor to ceiling of not less than 16 inches in front of all toilets. Toilets shall be located in a space without obstruction from floor to ceiling of not less than 22 inches in width. No encroachments of these dimensions are permitted.

(g) Where vents do not exist for plumbing fixtures meeting the applicable codes in effect at the time of their installation, vents need not be installed when the plumbing fixture or trap and trap arm is replaced providing the drainage line is not altered.

(h) Every motel and hotel that does not provide private toilets, lavatories, bathtubs, or showers shall have on each floor, accessible from a public hallway, at least one toilet, one lavatory, and one bathtub with shower or one separate shower for each ten occupants or portion thereof. For each additional ten occupants, or portion thereof, and additional one toilet, one lavatory and one bathtub or shower accessible from a public hallway shall be provided.

(2) Water heaters and boilers shall have an approved combination temperature and pressure relief valve and relief valve discharge pipe. All new installations of water heaters and boilers, when located above an occupied space, shall include a safety pan with a drain piped to an approved drainage system. Existing water heaters and boilers shall have a temperature and pressure relief valve. The valve shall have a discharge pipe which discharges no more than six inches above the floor, and drains to an approved floor drain, except a temperature and pressure relief valve shall be required for all tank-type storage water heaters only, or when other types of water heaters are designed for a valve.

(3) In order to protect against contamination of the water supply through cross connections, all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture as defined in the UPC. Hoses or hand-held shower heads shall not be attached in any manner that would permit water contamination during reverse pressure.

(a) Water supply pipes provided with an approved backflow preventer or anti-syphon device as regulated in the UPC are permitted.

(b) Hand-held shower heads are permitted when provided with a permanently mounted holder attached to the wall or shower pipe or when an anti-siphon device is installed.

(c) For dwelling units built before 1970, water faucet outlets below the overflow rim of the fixture shall

be permitted until the faucet is replaced. A new fixture shall not be installed where it would create a cross connection.

(4) (a) Drain traps shall meet standards of the UPC, except for dwelling units built prior to 1970, existing traps shall be allowed as originally designed unless there is evidence of trap siphonage or trap seal failure. If the trap has been modified it shall be replaced with an approved trap, and a vent shall be added as required by the UPC.

(b) All open untrapped sewer lines and unused trapped outlets shall be capped with an approved permanent or substantial cap.

(5) (a) All showers shall be finished to a height of at least 70 inches above the fixture drain outlet with nonabsorbent material, except freestanding tubs with shower risers may utilize a shower curtain that totally encloses all sides of the tub.

(b) Every kitchen sink, laundry, lavatory, tub, and shower shall be provided with hot water of at least 120° Fahrenheit and with cold water.

(c) Every kitchen sink, lavatory, tub, shower, and toilet shall be provided with a minimum of 18 psi of water pressure.

4-6-25. Mechanical.

(1) (a) All mechanical equipment shall be in accordance with the code in effect at the time of installation.

(b) All mechanical equipment shall be properly maintained and shall be operated in a safe manner.

(2) (a) Heating is to be provided by a permanently installed heating system capable of heating all habitable rooms and bathrooms to a minimum of 68° Fahrenheit at a point three feet zero inches off the floor and three feet zero inches in from the outside wall.

(b) A return air duct shall not be permitted which serves more than one dwelling unit, except a common air return shall be permitted if the heating system was installed prior to 1960. A common air return shall be permitted for equipment installed after 1959 and before 1969 and for furnace replacements using existing ducting if a listed smoke detector is installed in the return air vent which will shut down the furnace fan in the event of fire.

(3) (a) Gas furnaces and water heaters shall not be permitted in bedrooms, bathrooms or in closets with access only from a bedroom or a bathroom.

(b) Gas shut-off valves are required on all gas appliances. Shut-off valves shall be installed in accordance with the UMC.

(c) All fireplaces, wood-burning stoves and all other appliances producing combustible gas by-products shall be connected to an operating chimney or approved flue. All flues and vents shall be installed per requirements of the UMC in effect at the time of installation.

(d) All fuel burning appliances shall be provided with combustion air per the requirements of their listing and in compliance with the UMC.

(e) All fuel burning appliances shall be provided with listed clearances and maintained in good working condition and in accordance with their listing.

(f) All ventilation fans shall be installed according to their listing and maintained in good working condition.

(g) All ducts and vents shall be maintained according to original installation requirements.

(4) Asbestos, regardless of the date of installation, shall meet the requirements of the Tooele County Health Department. (Ord. 94-13, 03/15/94)

4-6-26. Electrical.

(1) (a) Unless provided otherwise in this chapter, all electrical wiring and equipment shall be in accordance with the code in effect at the time of installation.

(b) All electrical panels, boxes, and outlets are to have proper covers. Every habitable room, including an SRO room, shall contain at least two electrical receptacles or one receptacle and one electric light fixture. Every toilet room, bathroom, laundry room, furnace room, and public hallway shall contain at least one electric light fixture. Public hallways must be illuminated at all times the building is occupied with light having the intensity of one foot candle at floor level. Electrical equipment shall not exceed the load capacity of the service, and branch circuits shall be properly fused.

(c) Grounding type receptacles shall only be used when connected to a grounding system. Existing non-grounding type receptacles may be replaced with grounding type receptacles where protected by a ground-fault circuit-interrupter as specified in NEC Section 210.7(d).

(2) Existing dwelling units with electrical services less than 60 amps per dwelling unit which have no special electrical service loads, such as air conditioners, stoves, heating units, and refrigerators may continue to be operated without upgrading. However, in structures built in 1970 or after, residential units that are remodeled at a cost exceeding $3,000.00 per unit, excluding cabinets, painting, and carpet, shall have their electrical systems upgraded to meet the requirements of the NEC.

(3) Circuits supplying air conditioners, cooking stoves and heating appliances shall meet the requirements of the NEC.

(4) Electrical outlets and switches may be replaced without upgrading electric wiring which was installed in accordance with the applicable code at the time of installation. Ground-fault circuit-interrupter protected receptacles shall be provided where

receptacles are replaced at outlets that are required to be GFCI protected by the NEC.

(5) When new circuits, outlets, switches, wiring and service panels are being installed, all work shall meet the NEC requirements.

(6) Lighting in common areas of apartment structures, congregate housing, hotels and motels shall meet the following:

(7) (a) Aisles, passageways, stairwells, corridors, entry ways, and recesses related to and within the building complex shall be illuminated with a minimum of a 40 watt light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. However, structures containing no more than three dwelling units shall not be required to provide exit lighting when no lighting outlet has been previously provided.

(b) Open parking lots and carports shall be provided with a minimum of one foot candle of light on the parking surface during the hours of darkness. Lighting devices shall be protected by weather resistant covers.

(8) All lighting fixtures, switches, outlets, and other electrical fixtures and appliances shall be maintained according to their listing and approval.

(9) All electric branch circuits shall be properly installed according to the requirements of the NEC.

(10) Flexible cords, as defined in the NEC, shall be used only according to their listing and shall not be installed as permanent wiring strung through partitions, walls, doorways or across exit-ways. (Ord. 94-13, 03-15-94)

4-6-27. Energy conservation requirements.

(1) Existing residential units shall be required to have their structures upgraded according to the following:

(a) Whenever wallboard, plaster, or other finish material is removed which exposes wall cavities of foundations, exterior walls, floors, or ceilings, these spaces shall be insulated to the degree it is practical. Where attic and crawl space areas are insulated, the space shall be ventilated as per the IBC.

(b) Where insulation increases the accumulation of snow, and the snow load capacity of the roof structure is exceeded, the roof members shall be upgraded to withstand the additional loads.

(c) When new habitable space is created within an existing building envelope, all such spaces shall be insulated to the current Utah State Energy Code standards.

(d) All replacement windows shall be double pane with thermal break.

(e) All door replacements shall be insulated doors.

(f) New mechanical equipment installed shall meet a minimum of 80% efficiency.

(g) Except for the other applicable requirements of this chapter, when a new addition is made to an existing residential structure, only the addition shall be made to comply with current Utah State Energy Code standards.

(2) (a) Doors and windows shall be weather tight. All panes shall be replaced if broken with glazing complying with the IBC.

(b) All doors and windows shall be properly caulked and weatherproofed.

(Ord. 2004-15, 10-20-04); (Ord. 94-13, 03-15-94)

4-6-28. Guidelines for Manufactured Housing Installation adopted.

The booklet, "Guidelines for Manufactured Housing Installation," 1991 Edition, copyrighted by the International Conference of Building Officials, is hereby adopted as a code of Tooele City. Appendices A and B of such "Guidelines" are specifically adopted hereby. Each and all of the regulations, provisions, conditions and terms thereof are hereby referred to and made a part hereof as if fully set out here. (Ord. 94-31, 05-12-94)

CHAPTER 7. MECHANICAL CODE

4-7-1. International Mechanical Code.
4-7-2. Penalties.

4-7-1. International Mechanical Code.

The most recent edition of the International Mechanical Code (IMC), as adopted by the Utah Division of Occupational and Professional Licensing, is incorporated by reference as part of the Tooele City Code, together with all applicable standards set forth in the International Fuel Gas Code (IFGC), and subject to amendments and modifications set forth in the Utah Building Standards Act Rules.
(Ord. 2002-01, 01-09-2002); (Ord. 98-04, 01-21-98); (Ord. 95-09, 06-03-95); (Ord. 91-14, 11-19-91)

4-7-2. Penalties.

(1) Any person who erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes, equips, uses or maintains mechanical systems or equipment or causes or permits the same to be done in violation of the "International Mechanical Code" shall severally for each and every such violation and noncompliance, respectively, be guilty of a class C misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit such to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. Each day that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the penalty identified in Subsection (1) shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 2002-06, 04-03-2002); (Ord. 91-14, 11-19-91)

CHAPTER 8. ROAD AND BRIDGE CONSTRUCTION STANDARDS

4-8-1. Specifications Adopted - Amendments.
4-8-2. Street Design.
4-8-2.1. Infill Overlay District Street Design. (Repealed.)
4-8-2.2. Arterial Streets.
4-8-2.3. Major Collector Streets.
4-8-2.4. Minor Collector Streets.
4-8-2.5. Local Streets.
4-8-2.6. Substandard Local Streets.
4-8-2.7. Alleys.
4-8-2.8. Curb and Gutter, Parkstrips, and Sidewalks.
4-8-3. Street Widths.
4-8-4. Street Improvements.
4-8-5. Fire Hydrants.
4-8-6. Street Lighting.
4-8-7. Alleys.
4-8-8. Blocks.
4-8-9. Street Names and Signage.
4-8-10. Building Address Numbers.
4-8-11. Bridge Standards and Design.

4-8-1. Specifications Adopted - Amendments.

The most recent edition of the Standard Specifications for Road and Bridge Construction, as adopted, updated, revised, and published by The Utah Department of Transportation, is herewith adopted by reference as the standard specifications for road and bridge construction, in its entirety, including all requirements for bidding, award of contract, scope of work, control of work, control of material, legal regulations and responsibility to the public, prosecution and progress of work, measurement and payment for work, and all other provisions therein contained with the following amendments thereto:

(1) The following definitions are amended:

(a) Commission: Tooele City Corporation.

(b) Department: Tooele City Community Development and Public Works Department, inclusive of Engineering.

(c) Director: The Director of the Community Development and Public Works Department.

(d) Engineer: The Tooele City Engineer or consulting engineer assigned to the project in question, as designated by the Director.

(e) State: The State of Utah and its political subdivisions acting through their authorized representatives.

(2) In all instances where the context of said specifications may be interpreted in more than one manner, said specifications shall be interpreted so as to apply to Tooele City Corporation rather than the State of Utah, its road commission, or other agencies, and shall be interpreted in such a manner as to validate the provision in question.

(Ord. 2015-07, 03-18-2015) (Ord. 1997-09, 03-05-1997) (Ord, 1974-16, 12-09-1974)

4-8-2. Street Design.

(1) All streets shall be subject to topographical conditions, public safety, and the relation to the proposed uses of land to be served by such streets. Where uses of land are not shown on a land use plan or plat approved by the City, the arrangement of streets in a subdivision and elsewhere shall either:

(a) provide for the continuation or appropriate projection of existing streets in surrounding areas; or

(b) conform to a plan for the area or neighborhood approved or adopted by the City Council to meet a particular situation where topographical and other conditions make continuance or conformance to existing streets impracticable.

(2) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60-degree angles.

(3) Sections 2.2 through 2.7 of this Chapter describe and illustrate the typical functional classifications, and the standards for construction and improvement, applicable to street rights-of-way within Tooele City. See also Table 4-8-2.6: Table of Substandard Local Street Requirements.

(4) Dead end streets.

(a) Dead end streets, including cul-de-sacs, where permitted, shall not be more than 250 feet in length measured from the centerline of the last intersecting street to the centerpoint of the turnaround area.

(b) Dead end streets, whether temporary or permanent, greater than 150 feet in length, or deeper than one single-family residential lot in depth (whether front-yard frontage or side-yard frontage), whichever is less, shall require a cul-de-sac.

(c) Cul-de-sacs shall have a minimum outside right-of-way radius of 60 feet at the closed end, unless the street ends at a point where the subdivider or developer intends to extend a street pursuant to a preliminary subdivision submitted and approved by the City, in which case the turnaround shall have the minimum radius required by the International Fire Code.

(d) Dead end streets, including cul-de-sacs, where permitted, may be extended beyond 250 feet with written findings from the Public Works Director, in consultation with the Community Development Director and Fire Chief, that:

(i) doing so is necessary to reasonably

develop properties adjacent to the dead end street;

(ii) doing so is necessary to provide vehicular safe access and utility service to the properties adjacent to the dead end street;

(iii) no other option exists for providing access to the properties adjacent to the dead end street;

(iv) the cul-de-sac turnaround radius at the closed end of the dead end street, as required in this Section, is increased by not less than ten feet; and,

(v) doing so will not violate applicable provisions of the adopted building or fire codes.

(5) No more than two cross streets shall intersect at any one intersection.

(6) Street grades shall be:

(a) more than 1.0% without written findings from the Public Works Director establishing that the grade must be less, but in no case shall be less than 0.5%;

(b) less than 10% for minor collector streets, local streets, and alleys; and

(c) less than 7% for major collector and arterial streets.

(7) Streets shall be leveled, whenever possible, to a grade of less than 4% for a distance of at least 100 feet approaching all intersections, and shall be a maximum grade of 3% at the intersection.

(8) All crests and sags shall have a vertical curve pursuant to Table 4-8-2 (Vertical Curve Table).

(9) Minimum radii of horizontal curvature along the center line shall be:

(a) 300 feet for arterial class streets;

(b) 250 feet for major collector class streets;

(c) 200 feet for minor collector class streets; and

(d) 100 feet for local class streets and alleys.

(10) Between reversed curves there shall be a tangent at least 100 feet long.

(11) Intersecting right-of-way boundaries and improvements for street, alley, and pavement intersections shall be rounded by an arc, the minimum radius of which shall be:

(a) 20 feet for arterial class streets;

(b) 20 feet for major collector class streets;

(c) 15 feet for minor collector class streets;

(d) 15 feet for local class streets; and

(e) five feet for alleys;

(f) 20 feet for pavement edges where the existing right-of-way improvements do not include curb and gutter.

When streets of different classes intersect, the greater radius requirement shall be the requirement.

(12) Whenever a street adjacent to a proposed development is not fully improved, excluding sidewalk and parkstrip on the opposite side of the street, the subdivider or developer shall be responsible for construction of the entire width of the street, except for sidewalk and parkstrip on the opposite side of the street, for the entire length of the development project including tapered transitions, as necessary, beyond the length of the development project, as outlined in Section 4-8-4(4) and (5).

(13) No new half-streets shall be permitted.

(14) If development plans call for peripheral streets to be constructed, the subdivider or developer shall be responsible for construction of the entire width of the street, except for sidewalk and parkstrip on the opposite side of the street, as outlined in Section 4-8-4(4) and (5).

(15) All streets proposed or intended to be built, owned, or maintained as private streets shall be designed and constructed to the same standards and specifications outlined in this Chapter for public local class or larger streets.

(a) Private streets may not be reduced in width narrower than 32 feet of asphalt with curb and gutter on each side unless approved otherwise through a city council approved Planned Unit Development (PUD), Residential Special District (RSD) or other formal Tooele City Council action. In no case shall the pavement width of a private street be less than allowed by the International Fire Code and Tooele City Code Chapter 3 – Fire Code.

(b) Any private street proposed to be narrower than 32 feet of asphalt shall be required to prevent on-street parking through the provision of adequate off-street parking as outlined in Chapters 7-4 and 7-11a and shall provide, as a part of the application, a mechanism by which perpetual private enforcement preventing on-street parking is assured. Applications that include private streets narrower than 32 feet in asphalt width shall be subject to review and approval of the proposed private street design and private parking enforcement mechanism by the designated approval authority for the type of land use application, following recommendation from the Tooele City Fire Chief, Community Development Department, Public Works Department, and the City Engineer. The City Attorney shall review the proposed private parking enforcement mechanism and provide a recommendation to the approval authority on that proposed mechanism.

(c) Land use applications may propose alterations to the cross section for the street regarding sidewalks and parkstrips but shall maintain pedestrian access of at least a 5-foot width throughout the development and in compliance with requirements of the Americans with Disabilities Act (ADA).

(Ord. 2025-27, 10-15-2025) (Ord. 2024-02, 01-17-2024) (Ord. 2023-21, 06-07-2023)

Table 4-8-2. Vertical Curve Table

Design Speed (mph)	Crest Vertical Curve				Sag Vertical Curve	
	Stopping Sight Distance		Passing Sight Distance		Stopping Sight Distance	
	ft	K Value[1]	ft	K Value[1]	ft	K Value[1]
15	80	3	-	-	80	10
20	115	7	400	57	115	17
25	155	12	450	72	155	26
30	200	19	500	89	200	37
35	250	29	550	108	250	49
40	305	44	600	129	305	64
45	360	61	700	175	360	79
50	425	84	800	229	425	96
55	495	114	900	289	495	115
60	570	151	1000	357	570	136
65	645	193	1100	432	645	157
70	730	247	1200	514	730	181
75	820	312	1300	604	820	206
80	910	384	1400	700	910	231

1. Rate of vertical curvature, K, is the length of curve (L) per percent algebraic difference intersecting grades (A), K = L/A

Source: AASHTO "Green Book" (A Policy on Geometric Design of Highways and Streets), 7th Edition, 2018. Use latest edition of AASHTO Green Book if applicable.

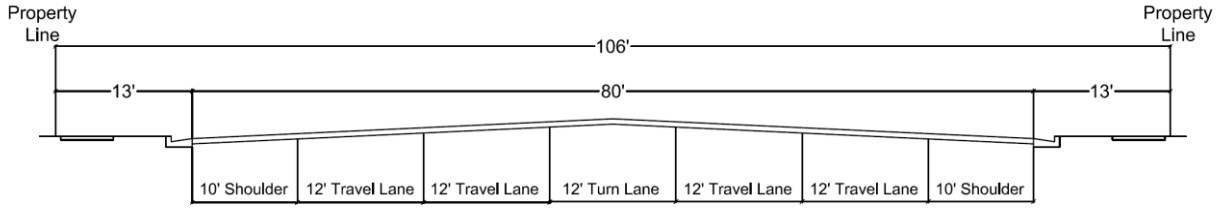
(Ord. 2023-21, 06-07-2023)

4-8-2.1. In-Fill Overlay District Street Design. (Repealed.)
(Ord. 2023-21, 06-07-2023) (Ord. 2020-26, 06-17-2020) (Ord. 2017-27, 11-01-2017)

4-8-2.2. Arterial Streets.

(1) Definition - A large street with medium traffic speeds generally designed to efficiently convey high volumes of traffic through the community. Direct access from arterial streets to adjacent properties is limited and controlled and widely spaced. Residential properties shall not have driveway access directly onto an arterial street.

(2) Cross section:

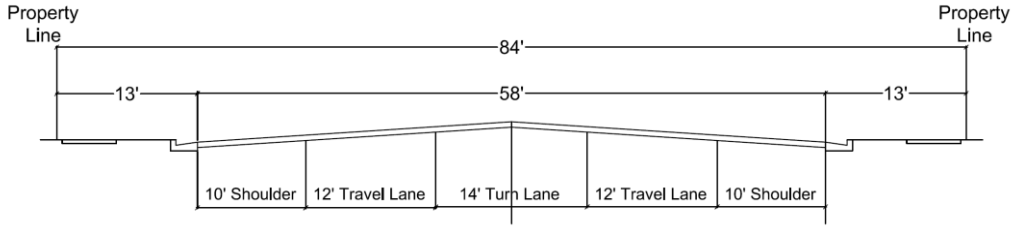


(Ord. 2023-21, 06-07-2023)

4-8-2.3. Major Collector Streets.

(1) Definition - A larger street with medium traffic speeds generally designed to convey regional traffic between areas of the community containing lower classification roads to arterial streets. Direct access from arterial streets to adjacent properties is limited and widely spaced.

(2) Cross Section:

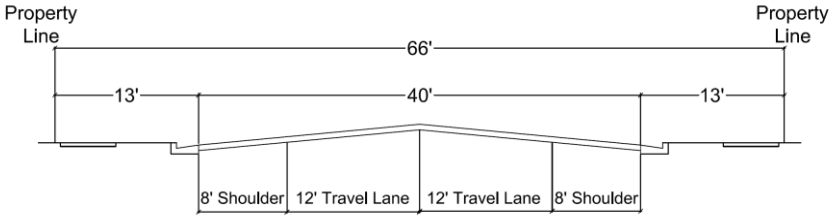


(Ord. 2023-21, 06-07-2023)

4-8-2.4 Minor Collector Streets.

(1) Definition - A medium-sized street intended to be the primary traffic conveyor through neighborhood or non-residential areas to feed traffic to larger classification streets for regional travel.

(2) Cross Section:

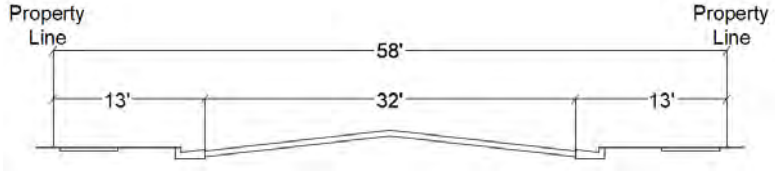


(Ord. 2023-21, 06-07-2023)

4-8-2.5 Local Streets.

(1) Definition - A smaller street designed primarily for localized neighborhood traffic at slower speeds and providing direct access to adjacent properties.

(2) Cross section:



(Ord. 2023-21, 06-07-2023)

4-8-2.6. Substandard Local Streets.

(1) Definition – Any one of several historic streets of varying substandard right-of-way widths, narrower than a local street, designed primarily for localized neighborhood traffic at slow speeds, and providing primary or secondary access to adjacent properties.

(2) Cross section – The cross-sections of these substandard local streets are described in Table 4-8-2.6: Table of Substandard Local Street Requirements.

(3) Standards – The standards required for improving substandard local streets adjacent to new development or redevelopment are established in Table 4-8-2.6: Table of Substandard Local Street Requirements.

(Ord. 2023-21, 06-07-2023)

Table 4-8-2.6. Table of Substandard Local Street Requirements.

150 West Street				
ROW Section	**Existing ROW Widths**	**Asphalt Requirements**	**Curb & Gutter Requirements**	**Sidewalk Requirements**
650 North – 600 North	54.75 Feet	30 Feet	Required	West Side
600 North – 500 North	49.5 Feet	30 Feet	Required	East Side
500 North – 400 North	49.5 Feet	30 Feet	Required	Not Required
400 North – Utah Avenue	49.5 Feet	30 Feet	Required	Not Required
Utah Avenue – Vine Street	49.5 Feet	30 Feet	Required	Both Sides
Vine Street – 100 South	49.5 Feet	30 Feet	Required	Not Required
100 South – 200 South	49.5 Feet	30 Feet	Required	West Side
200 South – 400 South	49.5 Feet	30 Feet	Required	Not Required
50 West Street				
ROW Section	**Existing ROW Widths**	**Asphalt Requirements**	**Curb & Gutter Requirements**	**Sidewalk Requirements**
600 North – 500 North	33 Feet	30 Feet	Required	Not Required
500 North – 400 North	33 Feet	30 Feet	Required	West Side
400 North – Utah Avenue	33 Feet	30 Feet	Required	East Side
Utah Avenue – Vine Street	33 Feet	30 Feet	Required	West Side
Vine Street – 100 South	33 Feet	30 Feet	Required	West Side
100 South – 200 South	33 Feet	30 Feet	Required	One Side
200 South – 400 South	33 Feet	30 Feet	Required	Not Required
400 South – 520 South	33 Feet	30 Feet	Required	Not Required
520 South – Main Street	33 Feet	30 Feet	Required	East Side
Garden Street (50 East)				
ROW Section	**Existing ROW Widths**	**Asphalt Requirements**	**Curb & Gutter Requirements**	**Sidewalk Requirements**
700 North – 600 North	33 Feet	30 Feet	Required	West Side
600 North – 500 North	33 Feet	30 Feet	Required	Not Required
500 North – 400 North	33 Feet	30 Feet	Required	Not Required
400 North – Utah Avenue	33 Feet	30 Feet	Required	Not Required
Utah Avenue – Vine Street	33 Feet	30 Feet	Required	Both Sides
100 South – 200 South	33 Feet	30 Feet	Required	Not Required
200 South – 400 South	33 Feet	30 Feet	Required	Not Required
400 South – Skyline Drive	33 Feet	30 Feet	Required	Not Required
Canyon Road *				
ROW Section	**Existing ROW Widths**	**Asphalt Requirements**	**Curb & Gutter Requirements**	**Sidewalk Requirements**
Entire Length of Road	Undetermined	Undetermined	Not Required	Not Required

Notes to Table 4-8-2.6:
1. Parkstrips are not required in substandard local streets.
2. The Mayor has administrative authority to correct any errors in this Table and to establish the requirements for any corrected street section.

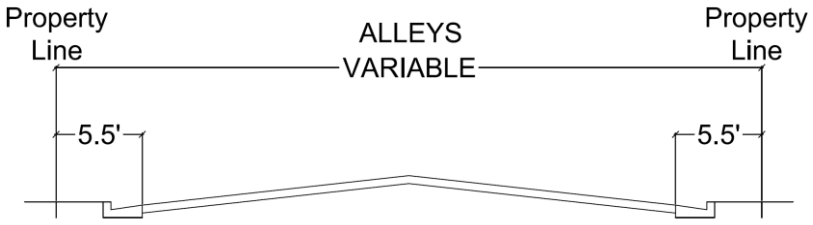
* Canyon Road is exempt from standard cul-de-sac requirements and may use alternative forms of emergency vehicle turn around configurations as approved by the Tooele City Fire Marshall.

(Ord. 2026-01, 01-21-2026) (Ord. 2023-21, 06-07-2023)

4-8-2.7. Alleys.

(1) Definition - A narrow street designed and intended for minimal vehicular traffic that provide secondary access to adjacent properties or access to properties that would otherwise be inaccessible. Alley streets generally do not provide for pedestrian traffic as an encouragement to utilize more visible routes.

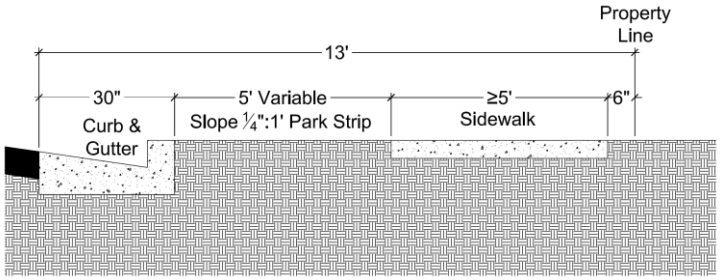
(2) Cross section:



(Ord. 2023-21, 06-07-2023)

4-8-2.8. Curb and Gutter, Parkstrips, and Sidewalks.

(1) Cross Section:



(2) Curb and Gutter – Standards.

(a) Curbs and gutters shall be constructed on all streets and shall be not less than 30" in overall width. Curbs may be constructed integrally with the Portland cement concrete pavement. Three ⅝" reinforcing bars 10" long shall be installed in all curb and gutter, centered over each sewer and water trench crossed by the curb and gutter.

(b) Curbs shall be APWA Type "A" high-back design unless approved otherwise by the Public Works Director, or their designee.

(c) Adequate provision shall be made at all crosswalks and intersections for wheelchairs to cross the curb and gutter and drive approaches. The City-adopted specifications for such crossings shall be complied with in regard thereto. The Community Development and Public Works Department Director or their designee may approve alterations to the standards in instances necessary to comply with ADA requirements.

(d) Curb and gutters, driveway approaches, and all appurtenances thereto shall be constructed of class 4000 psi (6.5 sack) mix Portland cement concrete. Unless allowed otherwise by the Community Development and Public Works Department Director, the amount of cement in the mix design shall be increased to 7.5 sack mix between October 1 and March 1. All driveway approaches, waterways and other appurtenances shall be subject to the weight of vehicles on any occasion.

(e) An expansion joint shall be placed no greater than every 50 lineal feet with contraction joint control strikes placed no greater than every ten lineal feet.

(f) Curbs, gutters, driveway approaches and other appurtenances shall have a slump of not less than two inches and not more than four inches. Maximum slump is eight inches after the addition of a high range water reducer (super plasticizer) at site. Entrained air shall be 5% to 7%.

(3) Sidewalks – Standards.

(a) Sidewalks and all appurtenances thereto shall be constructed of class 4000 psi (6.5 sack) mix Portland cement concrete. Unless allowed otherwise by the Community Development and Public Works Department Director, the amount of cement in the mix design shall be increased to 7.5 sack mix between October 1 and March 1. All driveway approaches, waterways and other appurtenances shall be subject to the weight of vehicles on any occasion.

(b) Sidewalks and other appurtenances shall have a slump of not less than two inches and not more than four inches. Maximum slump is eight inches after the addition of a high range water reducer (super plasticizer) at site. Entrained air shall be 5% to 7%.

(c) For all sidewalks an expansion joint shall be placed no greater than every 50 lineal feet with contraction joint control strikes spaced no greater than that equal to the width of the sidewalk.

(d) Sidewalks in newly-created subdivisions shall serve the present and future pedestrian traffic of the vicinity. Such sidewalks shall be located in accordance with proper land planning procedures, principles, and with due regard for public safety. Unless otherwise approved by the Community Development and Public Works Department Director, sidewalks shall be constructed parallel to the curb, and generally located five feet distant therefrom so as to provide a park strip between the curb and the sidewalk.

(e) Sidewalks in residential areas shall have a minimum depth of four inches and six inches where crossed as part of a driveway. Sidewalks in non-residential areas shall have a minimum depth of six inches. The maximum slope of any sidewalk shall be 2% or compliant with ADA standards.

(f) All one- and two-family residential development sidewalks shall have a minimum width of five feet, and all multi-family, commercial properties and industrial properties which require sidewalks shall have a minimum width of six feet. All rebuilt sidewalks less than five feet wide shall be widened to five feet in width for a distance of five feet at least every 200 feet. Sidewalks constructed adjacent to or as an integral part of the curb shall be a minimum of seven feet in width and provide a means of installing street signs, traffic control signs, and mailboxes that does not impede pedestrian traffic, visibility of signage or access to mailboxes.

(4) Parkstrips. The Community Development and Public Works Department Director may modify the width of the park strip and/or allow for placement of the sidewalk directly adjacent to the curb and gutter with the recommendation of the City Engineer in order to accommodate available right-of-way limitations, match existing conditions, consider unique design criteria, or other unusual field related considerations.

(Ord. 2023-21, 06-07-2023) (Ord. 2023-21, 06-07-2023) (Ord. 2021-03, 01-20-2021) (Ord. 2019-01, 02-13-2019) (Ord 2015-07, 03-18-2015) (Ord. 1994-56, 01-31-1995) (Ord. 1991-04, 06-11-1991)

4-8-3. Street Widths.

Street widths shall conform to the provisions of Section 7-19-17 of this Code and this Chapter. Street design and construction standards and specifications shall conform to the provisions of this Chapter.

(Ord. 2015-07, 03-18-2015) (Am. Ord. 1998-32, 10-07-1998)

4-8-4. Street Improvements.

As a general rule, the arrangement of streets in a new development shall provide for the continuation of existing streets in adjoining areas at the same or greater widths, unless altered by the Planning Commission and City Council following a recommendation of the Community Development and Public Works Department Director. Partial streets shall not be permitted within a development, adjacent to a development, leading to a development, or otherwise. All developments shall be adjacent to a dedicated street that complies with the following:

(1) The full width of the right-of-way shall be graded to the required section.

(2) All unsuitable sub-base material shall be removed and shall be replaced with stable, compacted material in conformance with generally accepted engineering practices.

(3) Pavement sections shall be of the following minimum thicknesses and materials:

(a) residential areas:

(i) standard reinforced Portland cement pavement having a uniform thickness of ten inches. Concrete for such pavement shall have a minimum 14-day compressive strength of three thousand pounds per square inch, shall contain not less than 6% entrained air. Slump shall be not less than two inches nor more than four inches.

(ii) eight inch thick pozzolanic base course and wearing surface of a bituminous concrete binder and surface course having a minimum compacted thickness of three inches.

(iii) eight inch thick bituminous aggregate mixture base course and a wearing surface of bituminous concrete binder and surface course having a minimum compacted thickness of three inches.

(iv) ten inch thick gravel or crushed stone base course (aggregate base course, type B) having a wearing surface of bituminous concrete binder and surface course, Class 1, having a minimum compacted thickness of three inches.

(b) commercial and industrial areas:

(i) standard reinforced Portland cement pavement having a uniform thickness of ten inches. Concrete for such pavement shall have a minimum 14-day compressive strength of three thousand pounds per square inch, shall contain not less than 6% entrained air. Slump shall be not less than two inches nor more than four inches.

(ii) ten inch thick pozzolanic base course and wearing surface of a bituminous concrete binder and surface course having a minimum compacted thickness of four inches.

(iii) ten inch thick bituminous aggregate mixture base course and a wearing surface of bituminous concrete binder and surface course having a minimum compacted thickness of four inches.

(iv) ten inch thick gravel or crushed stone base course (aggregate base course, type B) having a wearing surface of bituminous concrete binder and surface course, Class 1, having a minimum compacted thickness of four inches.

(4) Street improvements required to be installed along the frontage of the property under a land development or construction application shall be as follows:

(a) undeveloped alleys, for the purposes of this section determined to be alleys without hard-surface paving and curb and gutter, shall not be required to install right-of-way improvements unless the alley provides primary access to a dwelling unit created by the land development or construction application;

(b) curb, gutter, sidewalk, and parkstrip landscaping; and

(c) hard-surface asphalt paving for vehicular traffic with a minimum width of 30 feet.

(5) When tying-in to existing asphalt pavement, a minimum two foot "T-cut" shall be performed. When widening or tying-in to existing asphalt, tapers shall be provided within the right-of-way to existing asphalt beyond the property under land development or construction, as approved by the Community Development and Public Works Department Director following a recommendation from the City Engineer.
(Ord 2015-07, 03-18-2015) (Ord. 2014-09, 09-03-2014) (Ord. 1977-26, 12-19-1977)

4-8-5. Fire Hydrants.

Fire hydrants shall be installed along all streets with spacing determined by the currently adopted fire code. All placement locations and any adjustment to spacing shall be by approval of the Tooele City Fire Chief as a part of a preliminary subdivision or site plan.
(Ord. 2015-07, 03-18-2015)

4-8-6. Street Lighting.

(1) Street lighting shall be installed to serve all properties within a subdivision as well as all commercial and industrial development projects. Such improvements shall be of the individual service or of the multiple circuit type and shall consist of standards, luminaires, cable conduit under driveways and/or streets, controllers, hand holes, and all other miscellaneous work and equipment necessary for an integrated system of street lights.

(2) Locations. There shall be at least one street light at each intersection and interior of each cul-de-sac turnaround area, and spaced not greater than 300 feet in between in residential areas. In non-residential areas, spacing shall be not greater than 400 feet.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-26, 12-19-1977)

4-8-7. Alleys.

(1) In commercial and industrial districts, provisions shall be made for service access, separate from customer travel and parking areas, for such purposes as off-street merchandise loading, unloading, and parking consistent and adequate for the uses proposed.

(2) Alleys in residential areas shall not be permitted.

(3) Dead-end alleys shall be avoided, but if unavoidable, they shall be provided with adequate turnaround facilities at the closed end, with a minimum outside radius of 50 feet at the closed end.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-26, 12-19-1977)

4-8-8. Blocks.

(1) The lengths, widths, and shapes of blocks shall be determined with due regard to:

(a) Provision for adequate building sites suitable to the special needs of the type of use contemplated.

(b) Zoning requirements as to lot size and dimensions.

(c) Needs for convenient access, circulation, control and safety of street traffic.

(2) Block lengths shall not exceed 1,000 feet, and shall not be less than 300 feet in length, except that the Planning Commission may approve adjustments to this requirement when it finds that:

(a) the block layout does not cause adverse travel distance for pedestrians or vehicles; or

(b) topography or some other factor of the property necessitate such for safety concerns that cannot otherwise be addressed or accommodated through design of the development.

(3) Pedestrian crosswalks not less than ten feet wide shall be required at all intersections and at mid-block locations deemed appropriate by the Planning Commission, upon recommendation of the Chief of Police and the Director, to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, and shall be provided approximately half way between the ends of blocks approved to be longer than 1,000 feet in length.
(Ord 2015-07, 03-18-2015) (Ord. 1977-26, 12-19-1977)

4-8-9. Street Names and Signage.

(1) Street signs of a material and construction approved by the City shall be installed at locations and of a type determined the City. Streets signs shall be installed at each intersection using the coordinate system outlined in Section 4-8-10 herein to identify streets. Street names shall be identified on the final plat for the subdivision. All street signs shall be in conformance with the Manual of Uniform Traffic Control Devices (MUTCD) and shall be installed at the subdivider's or developer's sole expense.

(2) The City Council shall approve the names of

streets within the city as a part of preliminary subdivision or site plan review.

(3) Street names shall be assigned in accordance with the following:

(a) All street coordinates shall end in zero and shall generally end in "50" or "00".

(b) Streets running north-south or east-west shall be assigned a numeric coordinate, i.e. 500 North.

(c) Streets that curve shall be assigned names. Street signs with names shall include appropriate numeric coordinates.

(d) Streets that back track, loop, or are longer than 600 feet and curve more than 30 degrees from the original heading shall be assigned at least two separate street names.

(e) Circles shall be addressed as part of the main street.

(f) Names of streets shall not continue in more than one primary bearing. The bearing may either be north-south or east-west, but not both.

(g) Street names shall be verified with Tooele County by the applicant before being proposed for a development project in order to avoid duplication.

(Ord. 2015-07, 03-18-2015) (Ord. 1994-03, 02-19-1994)

4-8-10. Property Address Numbers.

(1) Property address numbers shall be proposed by the applicant for any preliminary subdivision or site development plan. The Building Official shall determine the final property address of any dwelling, building, or structure within Tooele City.

(2) Addresses shall be assigned according to the following:

(a) The baselines for all addresses in Tooele City shall be:

(i) Vine Street for north and south addresses;

(ii) Main Street for east and west addresses south of the railroad tracks; and

(iii) Berra Boulevard for east and west addresses north of the railroad tracks and 1000 North.

(b) No home or business addresses will end in "00" without first requesting in writing and receiving approval for such in writing from the Building Official after consideration of at least the following:

(i) the relationship of existing addresses in the vicinity to the requested address;

(ii) the relationship of the requested address to the existing street grid coordinates; and

(iii) potential implications of the requested address on public safety response, any anticipated future road and its anticipated coordinates, and the potential complications of addressing undeveloped neighboring properties.

(c) Addresses shall coincide to the front of the building. Corner properties shall have two addresses assigned to them until a building permit is issued, at which time one of those addresses will become the permanent address, as determined by the Building Official.

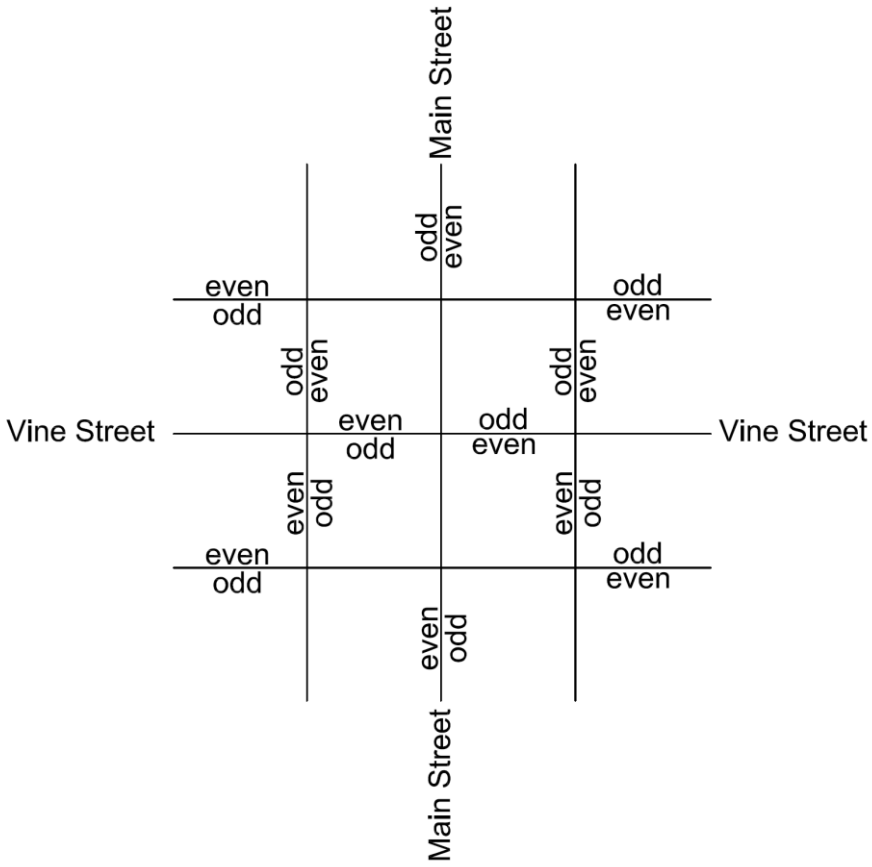
(d) Addresses of properties on generally parallel, nearby streets shall not coincide.

(e) All dwellings or primary buildings shall display the assigned address for such dwelling or building in a position as to be plainly visible and legible from the street or road fronting the property. The displayed address shall contrast with the background upon which it is affixed and shall conform to any other requirements set forth in the building and fire codes adopted by the City.

(f) Odd and even addresses shall be assigned according to Figure 4-8-10-1 below and generally when facing away from any one of the baselines identified in Section 4-8-10(2)(a) herein:

(i) even address numbers shall be on the right-hand side of the street; and

(ii) odd address numbers shall be on the left-hand side of the street.



ODD & EVEN NUMBERING

Figure 4-8-10-1

(3) All dwellings or buildings shall display the assigned address for such dwelling or building in a position as to be plainly visible and legible from the street or road fronting the property. The displayed address shall contrast with the background upon which it is affixed and shall conform to any other requirements set forth in the building and fire codes adopted by the City.
(Ord. 2015-07, 03-18-2015) (Ord. 1994-03, 02-19-1994)

4-8-11. Bridge Standards and Design. Any bridge to be constructed for vehicular or pedestrian traffic shall be designed according to the adopted standards for the same as implemented by the Utah Department of Transportation.
(Ord. 2015-07, 03-18-2015)

CHAPTER 9. STREET EXCAVATION

4-9-1. Excavation permits required.
4-9-2. Applications.
4-9-3. Fees.
4-9-4. Licensed contractor required.
4-9-5. Approved contractors.
4-9-6. Manner of excavating.
4-9-7. Sidewalks.
4-9-8. Restoring surfaces.
4-9-9. Supervision.
4-9-10. Protective measures and routing of traffic.
4-9-11. Clearance of vital structures.
4-9-12. Protection of traffic.
4-9-13. Relocation and protection of utilities.
4-9-14. Abandonment of substructures.
4-9-15. Protection of adjoining property.
4-9-16. Care of excavated material.
4-9-17. Cleanup procedure.
4-9-18. Protection of water courses.
4-9-19. Breaking through pavement.
4-9-20. Depth of structures.
4-9-21. Backfilling.
4-9-22. Trenches in pipe laying.
4-9-23. Prompt completion of work.
4-9-24. Urgent work.
4-9-25. Emergency work.
4-9-26. Noise, dust and debris.
4-9-27. Preservation of monuments.
4-9-28. Inspections required.
4-9-29. Location records.
4-9-30. Violation and penalty.

4-9-1. Excavation permits required.

It is unlawful for any person, firm, or corporation to tunnel under, or to make any excavation in any street, alley, or other public place or right of way within the limits of Tooele City without having first obtained a permit as required herein or without complying with the provisions of this Chapter or in violation or variance of and from the terms of any such permit. For the purposes of this Chapter, the term "Department" shall refer to the Community Development and Public Works Department and the term "Director" shall refer to the Department's Director.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-2. Applications.

Applications for such permits shall be made to the Tooele City Department and shall describe the location of the intended excavation, including boring, the size and scope of the excavation, the purpose for the excavation, and the person, firm or corporation doing the actual excavation work, and the name of the person, firm or corporation for whom or which the work is being done. The application shall contain an agreement that must be signed by the applicant stating that the applicant and all contractors will comply with all ordinances and laws relating to the work to be done.
(Ord. 76-15, 08-19-76)

4-9-3. Fees.

The fee for each such permit shall be based upon the number of inspections required for the project at a rate per inspection established in the Tooele City Fee Schedule. The minimum permit fee will be the amount of a single inspection. Should any person fail to secure such permit prior to commencement of any excavation for which the sum is required pursuant to this Chapter, an investigation fee shall be assessed equal to the amount of and in addition to the permit fee. The investigation shall not apply to the case of emergency work as outlined in Section 4-9-25.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-4. Licensed contractor required.

There shall be no excavation of City streets, alleys, or other public places or rights-of-way except that any such work shall be done by authorized employees of Tooele City, Tooele County, or the State of Utah, or any of its agencies, or by a contractor licensed by the State of Utah to perform street excavation. Prior to the commencement of any such work by a licensed contractor, said contractor shall deposit a cash bond with Tooele City in an amount established in the Tooele City Fee Schedule for excavations where no hard surface pavement is involved and when the excavation is in a paved or hard surface area, to insure proper restoration of the ground, laying of pavement, and restoration of landscaping, if any. Said deposit is automatically forfeited by the contractor should the City be required to undertake, or cause to have undertaken any work which the contractor is required by the provisions of this chapter to do. The permittee shall guarantee the materials and workmanship for a period of two years from completion of such work, with reasonable wear and tear expected. Upon completion of the work by the contractor to the satisfaction of the City Engineer, the Building Official, or their designee, the two-year warranty period shall begin. At the successful completion of the warranty period the deposit shall be returned to the contractor. In addition, no contractor shall be allowed to obtain a permit as provided above unless he shall first provide proof of liability insurance and sign an indemnity agreement to be prepared by the Tooele City Attorney and the form approved by the Tooele City Mayor.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-5. Approved contractors.

The Director shall institute and maintain a list of approved contractors for street excavation within Tooele City.

(1) Any contractor who is licensed by the State of Utah to perform street excavation may be placed on the

approved contractors list provided that they submit to the Director:

(a) a written request to be placed on the approved contractors list;

(b) an irrevocable letter of credit or cash bond to the City in an amount established in the Tooele City Fee Schedule to secure completion of repairs to the street in a timely manner;

(c) documentation demonstrating that they are properly licensed and in good standing to do business as a contractor within the State of Utah;

(d) a current, valid business license;

(e) a signed indemnity agreement, to be on a form provided by the City, covering any work performed in their capacity as a contractor performing excavation work within a Tooele City right-of-way or on public property; and,

(f) proof of liability insurance.

(2) Contractors identified on the official approved contractors list shall not be required to post a bond for individual excavation permits within a Tooele City right-of-way or on public property so long as their on-going approved contractor's bond remains in full effect at the time an excavation permit is filed with the Department.

(3) Contractors identified on the official approved contractors list shall be required to pay only permit fees for individual excavation permits so long as their on-going approved contractor's bond remains in full effect at the time an excavation permit is filed with the Department.

(4) Failure to meet the conditions and requirements of this chapter, maintain a state of good standing on the approved contractors list, failure to properly perform street excavations, failure to properly complete any street repairs, or failure to seek and be issued permits for excavation work shall be grounds for removal from the approved contractors list at the discretion of the Director.

(5) In the event the Director elects to remove a contractor from the approved contractors list, the contractor shall have a right to appeal the removal to the Tooele City Mayor within ten days of written notice of removal.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-6. Manner of excavating.

It shall be unlawful to make any such excavation or boring in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface. No injury shall be done to any pipes, cables or conduits in the making of such excavations or borings; and notice shall be given to the person maintaining such pipes, cables or conduits, or to the City department or officer charged with the care thereof which are or may be endangered or effected by the making of any such excavation or boring before such pipes, cables or conduits shall be disturbed. It shall be the responsibility of the applicant to obtain directions from public utility companies as well as Tooele City, as to the location of their subsurface conduits, pipes, lines or utility appurtenances prior to the opening of any tunnel or excavation. Tooele City shall not be responsible for any damages caused by the applicant or any party excavating or tunneling pursuant to a permit issued herein for damages caused any such pipes, cables, conduits or appurtenances.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-7. Sidewalks.

If any sidewalk or pedestrian path or right of way is blocked by any such work, a temporary sidewalk, path or right of way shall be constructed or provided which shall be safe for travel and convenient for the pedestrian users.

(Ord. 1976-15, 08-19-1976)

4-9-8. Restoring surfaces.

Any person, firm or corporation making any excavation or boring in or under any public street, alley or other public place or right of way in Tooele City, shall restore the surface to the construction standards and specifications of the City Engineer existing at the time of the excavation; all such backfill shall comply with the requirements of the currently adopted edition of the State of Utah Standard Specifications for Road and Bridge Construction. Any opening in a paved or improved portion of the street shall be repaired and the surface replaced, including crack sealing, by the applicant within three working days of excavation, in compliance with the Ordinances of the City and under the supervision of the Director, or their designee. With all excavations, the contractor shall guarantee the materials and workmanship for a period of two years from completion of such work, with reasonable wear and tear expected. All landscaping surfaces affected by excavation work shall also be restored with materials matching those present before the excavation work to the greatest degree possible.

(Ord. 2015-08, 03-04-2015) (Ord. 86-17, 10-27-64) (Ord. 1977-13, 08-11-1977)

4-9-9. Supervision.

The Director shall from time to time inspect or cause to be inspected all excavation activities being made in or under any public street, alley, public place or right-of-way in the City to see to the enforcement of the provisions of this Chapter. Notice shall be given to the Department in the form of a scheduled inspection before the work of backfilling any such excavation commences.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-10. Protective measures and routing of traffic.

It is the duty of every person cutting or making an excavation in or upon any public place, street, alley, or right of way to place and maintain barriers and warning devices necessary for the safety of the general public. Barriers, warning signs, lights, etc., shall conform to the requirements and recommendations of the Manual on Uniform Traffic Control Devices (MUTCD), as a minimum, and those of the Director. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of each day. Reflectors or reflecting material may be used to supplement but not replace light sources. The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as near as normal as possible shall be maintained at all times so as to minimize inconvenience to the general public and the occupants of the adjoining property. When traffic conditions permit, the Director may authorize the closing of a street or alley to all traffic for a period of time prescribed by him if, in his opinion, it is necessary to expedite the excavation work or maintain the safety of the excavation crews or the general public. Such approval shall be based upon submission and approval of an appropriate and acceptable traffic control, signage, and detouring plan and may require the permittee to give notification to various public agencies and to the general public in advance of the closing. In such cases, such approval shall not be valid until such notice has been given.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-11. Clearance of vital structures.

The excavation work shall be performed and conducted so as not to interfere with the access to fire hydrants, fire stations, fire escapes, water valves, valve housing structures, and all other vital equipment as designated by the Director.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-12. Protection of traffic.

The permittee shall maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than 300 feet. If an excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. Excavated and repair stock materials shall not be stored on an adjacent sidewalk, a passageway, or in the curb and gutter.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-13. Relocation and protection of utilities.

The permittee shall not interfere with any existing facility without the written consent of the Director and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner or under his direction. No facility owned by the City shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly born by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along and across said work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires or apparatus shall be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of the substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be borne by the permittee. It is the intent of this paragraph that the permittee shall assume all liability for damages to facilities and any resulting damage or injury to anyone because of such facility damage, and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The City shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-14. Abandonment of substructures.

Whenever the use of a substructure is abandoned, except the abandonment of service lines designated to serve single properties, the owner owning, using, controlling, or having an interest therein shall within 30 days after such abandonment file with the Director a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way, or subsequently becomes in the way of an installation of the City or any other public body, which installation is pursuant to a governmental function, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the City or other public body.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-15. Protection of adjoining property.

The permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for that purpose. Where in the protection of such property it is necessary to enter upon

private property for the purpose of taking appropriate protecting measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent he shall, after consulting with the Director, take such measures as are possible for the purpose of making the property safe. The permittee shall, at his own expense, shore-up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damaged public or private property or highways resulting from its failure to properly protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required by this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area free of dirt and debris and in a condition as nearly as possible to that which existed prior to the commencement of the work. The permittee shall not remove, even temporarily, any tree or shrub which exists in any parking strip without first obtaining the consent of the appropriate City department or City official having supervision of such property.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-16. Care of excavated material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled, and maintained in such manner as not to endanger those working in the trench, pedestrians, or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Director shall have the authority to require that the permittee haul the excavated material to a storage site selected by the Engineer or approved by him and then rehauled to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make the necessary arrangements for all acquired storage and disposal sites. All material excavated shall be laid compactly and kept trimmed so as to impede vehicular and pedestrian traffic or as specified by the Director. Whenever necessary, in order to expedite the flow of traffic or to abate the dust or dirt, toe board or bins may be required by the Director to prevent the spreading of dirt onto traffic lanes.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-17. Cleanup procedure.

As the excavation work progresses, all streets shall be fairly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Director. From time to time, as may be ordered by the Director and in the event immediately after the completion of the work, the permittee shall at his or its own expense clean up and remove all debris, refuse, and unused material resulting from said work and upon failure to do so within 24 hours after having been notified to do so by the Director, said work shall be done by Tooele City crews and the cost thereof charged to the permittee and the permittee shall be liable for the cost thereof under the surety bond provided hereunder, and shall forfeit his deposit.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-18. Protection of water courses.

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersection street, an adjacent waterway shall be provided and at all times maintained. The permittee shall make provisions to take care of all surplus water, mud, silt, slickings, or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-19. Breaking through pavement.

(1) Heavy duty pavement breakers may be prohibited by the Director when the use thereof endangers existing substructures or other property.

(2) Saw cutting of Portland cement concrete may be required by the Director when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall be not less than one inch in depth; however, depths greater than one inch may be required by the Director when circumstances warrant. Saw cutting may be required by the Director outside of the limits of the excavation over caveouts, over breaks, and small floating sections.

(3) Approved cutting of bituminous pavement surface ahead of excavation may be required by the Director to confine the pavement damage to the limit of the trench.

(4) Sections of sidewalks shall be removed to the nearest scoreline or joint.

(5) Unstable pavement shall be removed over caveouts and over breaks and the subgrade shall be treated as a main trench.

(6) Pavement edges shall be trimmed to a vertical face neatly aligned with the center line of the trench.

(7) Cutouts outside of the trench line must be normal or parallel to the trench line.

(8) Boring or other methods to prevent cutting of new pavement may be required by the Director.

(9) Permittee shall not be required to repair pavement damage existing prior to the excavation unless his cut results in small floating sections that may be unstable, in which case permittee shall remove and pave the area.
(Ord. 1976-15, 08-19-1976)

4-9-20. Depth of structures.

No person shall, without written permission of the Director, install any substructure, except manholes vaults, valve casings, culverts, and catch basins at a vertical distance less than is necessary to place such substructure below the frost line if the Director concludes the substructure must be below the frost line. Nothing in this section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of, or travel on a public street.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-21. Backfilling.

Fine material, free from lumps and stone, selected from the spoil shall be thoroughly compacted to not less than 95% of the standard Proctor Test around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts of a depth based upon the type of soil involved and the degree of consolation specified. Broken pavement, large stones, roots and other debris shall not be used in the backfill. The number and size of each lift shall be dependent upon the type of soil involved. Such backfill shall be done in a manner so as to meet the 95% standard Proctor Compaction Test specified above. The Director may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his opinion, backfill for any excavation is not being adequately compacted or when he feels the same necessary. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the requirements as prescribed by the currently adopted edition of the State of Utah Standard Specifications for Road and Bridge Construction. All expense of such tests shall be borne by the permittee.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-22. Trenches in pipe laying.

The maximum length of open trench permissible at any time shall be in accordance with the existing ordinances or regulations of Tooele City and if none exist, then the requirements of the Director.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-23. Prompt completion of work.

After an excavation is commences, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street, alley, right-of-way or other public place to its original condition, or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonably necessary.
(Ord. 1976-15, 08-19-1976)

4-9-24. Urgent work.

When traffic conditions, safety or convenience to the traveling public or the public interest require that the excavation work be performed as emergency work, the Director shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee on a 24-hour schedule to the end that such excavation work may be completed as soon as possible.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-25. Emergency work.

Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life and property or for the location of trouble in conduits or pipes, provided that the person making such excavation shall apply to the Department for a permit as soon as practicable and no later than the first working day after such work is commenced. Nothing in this section shall absolve the permittee from the requirements of this chapter. In any emergency at a time when it is not practical to obtain the necessary permit as provided above in advance of the excavation work, such street excavation may be authorized by the Director, or their designee, or may be performed by a contractor on the approved contractor list as provided above, provided that the necessary permit shall be obtained the next business day after the emergency work is performed. Under no circumstances shall an excavation be performed without prior notification through personal contact to the Director or their designee of the need and location for the work to be done.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-26. Noise, dust, and debris.

All excavation activities shall comply with all Tooele City nuisance and noise ordinances and shall take necessary precautions to minimize the impact on and inconvenience for neighboring property owners.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-27. Preservation of monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey benchmark within the City, shall not be removed or disturbed without first obtaining permission in writing from the Director and the Tooele County Surveyor's Office. Permission to remove or disturb such monuments, reference points, or benchmarks shall only be granted upon condition that the person applying for such permit shall pay all

expenses incident to the proper replacement of the monument by the City.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-28. Inspections required.

The Director shall cause such inspections to be completed as are reasonably necessary in the enforcement of this chapter. The Director shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-29. Location records.

Every public utility after the enactment of this ordinance shall maintain records showing the location of all of its underground facilities, except relatively minor facilities which connect a particular premise or building, and except oil or gas gathering or field lines. Every public utility shall maintain equipment that can locate such facilities in the field.
(Ord. 1976-15, 08-19-1976)

4-9-30. Violation and penalty.

A person who violates any provision of this chapter shall be guilty of a misdemeanor violation of the City Code, punishable according to Section 1-4-2 of the Tooele City Code.
(Ord. 2015-08, 03-04-2015) (Ord. 1994-36, 05-24-1994)

CHAPTER 10. SWIMMING POOL, SPA AND HOT TUB CODE

4-10-1. "Uniform Swimming Pool, Spa, and Hot Tub Code" adopted.
4-10-2. Administrative authority.
4-10-3. Safety provisions.
4-10-4. Violation and penalties.
4-10-5. Location, fencing.

4-10-1. "Uniform Swimming Pool, Spa, and Hot Tub Code" adopted.

(1) The "Uniform Swimming Pool, Spa and Hot Tub Code," 1991 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted as the code of Tooele City for providing minimum requirements and standards for the protection of the public health, safety and welfare as applied to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any swimming pool, spa, or hot tub plumbing system except as otherwise provided for in that code.

(2) Each and all of the regulations, provisions, conditions and terms of the "Uniform Swimming Pool, Spa and Hot Tub Code," 1991 edition, are hereby referred to, adopted and made a part hereof as if fully set out here. (Ord. 91-17, 11-14-91)

4-10-2. Administrative authority.

The Tooele City Engineer and the engineer's designees are hereby appointed to act as the administrative authority with power to enforce the "Uniform Swimming Pool, Spa and Hot Tub Code." (Ord. 91-17, 11-14-91)

4-10-3. Safety provisions.

No pool within the ambit of the "Uniform Swimming Pool, Spa and Hot Tub Code" shall be constructed or maintained:

(1) within ten feet of any electric utility pole, wire, other transmission devise or appurtenance, whether the electrical equipment be below or above grade;

(2) without a permanent nonskid surface on all hard-surfaced areas installed within six feet of the pool. (Ord. 91-17, 11-14-91)

4-10-4. Violation and penalties.

The first paragraph of Section 1.7 of the "Uniform Swimming Pool, Spa and Hot Tub Code" is amended to read:

(1) Any person who violates any of the provisions of the "Uniform Swimming Pool, Spa and Hot Tub Code" or fail to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a class C misdemeanor. The imposition of one penalty for any violationsuch not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the penalty identified in Subsection (1) shall not be held to prevent the enforced removal of prohibited conditions.

(3) The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the "Uniform Swimming Pool, Spa and Hot Tub Code." No permit presuming to give authority to violate or cancel the provisions of that code shall be valid, except insofar as the work or use which is authorized is lawful. (Ord. 91-17, 11-14-91)

4-10-5. Location, fencing.

(1) Swimming pools, spas and hot tubs of permanent construction shall be set back at least five feet from all property lines and shall be located not closer than 30 feet to any dwelling on an adjoining lot. Where an adjacent lot is vacant, a swimming pool, spa or hot tub must be located at least 15 feet from any side lot line of such adjacent lot.

(2) Swimming pools, spas and hot tubs shall be completely surrounded by a fence or wall having a height of at least six feet if not enclosed within a building. Fences shall be designed so that openings will not permit a 4" diameter sphere to pass through them, except for gates which shall be equipped with self-closing and self-latching devices.
(Ord. 94-22, 05-04-94)

CHAPTER 11. SIDEWALKS

4-11-1. Building permits for curb, gutter, sidewalks, and appurtenances.
4-11-2. Specifications for sidewalks, curb and gutters, driveway approaches, and appurtenances.
4-11-3. Supervision.
4-11-4. Definitions. (Repealed.)
4-11-5. Repairs - Engineer's report - Levy. (Repealed.)
4-11-6. Expense of repairs. (Repealed.)
4-11-7. New sidewalk – Special Improvement District.
4-11-8. Property owners responsible for sidewalk repair. (Repealed.)
4-11-9. Sidewalks and trees.
4-11-10. Openings in sidewalks.
4-11-11. Water from roof not to be discharged upon sidewalks.
4-11-12. Receiving goods.
4-11-13. Driving or riding upon sidewalks.
4-11-14. Games on sidewalks or streets.
4-11-15. Snow to be removed from sidewalks.
4-11-16. Unlawful to clog gutters.
4-11-17. Sidewalks to be swept in front of retail businesses.
4-11-18. Encroachments.
4-11-19. Obstructions.
4-11-20. Varieties of trees.
4-11-21. Civil Penalties.
4-11-22. Appeals.

4-11-1. Building permits for curb, gutter, sidewalks, and appurtenances.

It is unlawful for any person to construct any sidewalk, curb, gutter, or appurtenances within a public right-of-way without first having grades and lines thereof reviewed and approved by the City and without first obtaining a building permit. The acceptance of the permit shall be deemed an agreement upon the part of the person accepting the permit to construct the sidewalk, curb, gutter, and appurtenances in accordance with the specifications, regulations, and ordinances of Tooele City.
(Ord. 2018-11, 09-05-2018) (Ord. 2006-05, 01-18-2006) (Ord. 1980-23, 06-12-1980)

4-11-2. Specifications for sidewalks, curb and gutters, driveway approaches, and appurtenances.

All sidewalks, curb and gutters, driveway approaches, and all appurtenances thereto shall conform to the specifications and standards set forth in Title 4 Chapter 8 of the Tooele City Code and the Tooele City Right-of-Way Specifications Administrative Policy.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1993-21, 10-20-1993) (Ord. 1991-04, 06-11-1991)

4-11-3. Supervision.

All public sidewalks shall be constructed under the inspection and supervision of the Public Works Director or designee.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-4. Definitions. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-5. Repairs. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-6. Expense of repairs. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-7. New sidewalk - Special Improvement District.

Whenever a report of the Public Works Director, or designee, regarding any sidewalk finds that the construction of a new sidewalk is necessary, the City may elect to give notice pursuant to the provisions of the special improvement district ordinances of the City or the statutes of the state of Utah for the construction of new sidewalk and the removal of the old.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-8. Property owners responsible for sidewalk repair. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-9. Sidewalks and trees.

The Director of Community Development shall review and approve the species and type of trees which may be placed in the right-of-way park strip or on private property adjacent to public sidewalks.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-10. Openings in sidewalks.

It is unlawful to construct or maintain any open holes or other openings in any sidewalks regardless of whether they are covered with gateways, doors, or other passages. This provision shall not be interpreted to prevent the erection of utility poles, water meter boxes, or mail boxes within the first 1 foot of property inside the curb line.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-11. Water from roof not to be discharged upon

sidewalks.

It is unlawful for any person owning, occupying, or having control of any premises to suffer or permit water from the roof or eves of any house, building, or structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-12. Receiving goods.

It is unlawful for any person to place or keep, or suffer to be placed or kept, upon any sidewalk any goods, wares, or merchandise except as allowed in Section 7-16-3 Note 4.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-13. Driving or riding upon sidewalks.

It is unlawful for any person to drive a self-propelled or motorized vehicle or to lead, drive, or ride any animal upon any public sidewalk, except to cross the sidewalk at established street crossings.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-14. Games on sidewalks or streets.

It is unlawful for any person to obstruct any sidewalk or street by playing games thereon, or to obstruct the free travel of any pedestrian or vehicle.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-15. Snow to be removed from public sidewalks - Obstructing right-of-way with snow prohibited - Failure to comply - Civil penalties.

(1) It is unlawful for any person owning or exercising control over any real property abutting any public sidewalk to fail to remove or cause to be removed from such sidewalk all hail, snow, or sleet falling thereon, or ice forming thereon, within 24 hours after such hail, snow, or sleet has ceased falling or ice has formed.

(2) It is unlawful for any person to place or propel, or cause to be placed or propelled, snow, ice, hail, or sleet into the public way or in any manner which poses a hazard to vehicular or pedestrian traffic.

(3) Any person who fails to comply with this Section shall be liable for a civil penalty in the amount of $50 per violation, which penalty shall be in addition to other penalties provided by law.

(4) For purposes of this Section:

(a) "person" shall include, but not be limited to, individuals, corporations, partnerships, associations, organizations, groups, and other entities; and,

(b) "public way" shall include, but not be limited to, sidewalks, roadways, alleys, and other courses traveled by the public.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2014-04, 02-05-2014) (Ord. 2006-05, 01-18-2006) (Ord. 1997-14, 03-19-97) (Ord. 1978-1, 01-09-78)

4-11-16. Unlawful to clog gutters.

It is unlawful for any person to deposit dirt, leaves, or other debris in any gutter so as to prevent or hinder the flow of water therein or so as to provide for the carriage of debris by the water flowing therein.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-17. Sidewalks to be swept in front of retail businesses.

It is unlawful for the owner, occupant, lessee, or agent of any commercial, retail, or professional establishment within the City of Tooele to fail to cause the sidewalk abutting the establishment to remain swept clean.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-18. Encroachments.

It is unlawful for any fence, building, or other structure to encroach upon any street or sidewalk within Tooele City. The City may exercise all legal rights to require the encroachment to be removed. If the person responsible for the encroachment is not known, a notice requiring removal may be posted by the City on the encroachment and on all major buildings located adjacent to the encroachment. Should the encroachment, in the opinion of the Mayor, constitute a hazard to traffic or to life, health, or property, the same may be removed immediately by the City and the cost thereof levied upon the owner. For any encroachment not removed by the owner pursuant to notice, the City may remove the same at the owner's expense, levying the cost thereof against the premises as part of the ad valorum property taxes.
(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-19. Obstructions.

(1) No person shall place or cause to be placed anywhere upon a public street or sidewalk, and no person owning, occupying, or having control of any premises shall, after reasonable notice by the City of Tooele, suffer to be or remain in front of the sidewalk or the half of the street next to any premises:

(a) any broken ware, glass, filth, dirt, gravel, rubbish, refuse, garbage, ashes, cans, or other like substances;

(b) any vehicles, lumber, wood, boxes,

fencing, building material, merchandise, or other thing which obstructs the public street or sidewalk, or any part thereof, without the permission of the Mayor; or,

(c) any goods, wares, merchandise for sale or show, or otherwise beyond the front line of the lot where goods, wares, or merchandise are sold or offered for sale, except as allowed in Section 7-16-3 Note 4.

(2) No person shall place or cause to be placed anywhere upon any street or sidewalk any earthen materials before, during, or after construction for the intended or unintended purpose of:

(a) temporary or permanent storage of those materials;

(b) bridging of the curb and gutter or sidewalk;

(c) blocking clogging, or otherwise hindering the movement or flow of storm water or the travel of pedestrian or vehicle traffic; or,

(d) any other purpose that could reasonably cause any damage or obstruction to public or private infrastructure.

(3) All obstructions placed anywhere upon a public street or sidewalk contrary to this Section or to Section 7-16-3 Note 4 are a threat to the public health and safety and may be removed, confiscated, and disposed of immediately by the City.

(4) No person shall place or cause to be placed anywhere upon a public street, sidewalk, or within a street right-of-way a dumpster, garbage or refuse collection container, storage container, or other similar structure or device before, during, or after construction of a structure on an adjacent property. All such structures or devices, when allowed, shall be located on properties adjacent to the right-of-way for which the structure or device is serving.

(Ord. 2019-01, 02-13-2019) (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2014-05, 02-05-2014) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-20. Varieties of trees.

It is unlawful to plant any species of tree within any public right-of-way which is not on the Tooele City Street Tree Selection Guide. No trees shall be planted in park strips of less than four feet in width. The Tooele City Street Tree Selection Guide shall be available from the Community Development and Public Works Departments and may be updated when deemed necessary and appropriate by the Directors.

(Ord. 2023-22, 06-07-2023) (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-21. Civil Penalties.

(1) A violation of any provision of this Chapter shall be a civil infraction punishable by the following fines:

(a) $50 for a first violation;

(b) $100 for a second similar violation;

(c) $250 for a third or subsequent violation.

(2) Failure to pay fines in full within 30 days of a citation shall allow Tooele City to invoice outstanding fines through City utility billing.

(Ord. 2020-13, 04-15-2020) (Ord. 2019-01, 02-13-2019)

4-11-22. Appeals.

Appeals of civil infraction citations issued pursuant to this Chapter shall be to the Administrative Hearing Officer under Chapter 1-28 of this Code.

(Ord. 2020-13, 04-15-2020)

CHAPTER 11a. RESIDENTIAL PARK STRIP LANDSCAPING REQUIREMENTS

4-11a-1. Park strip landscaping.
4-11a-2. Park strip trees.
4-11a-3. Residential Park Strip Tree Bond Requirements.

4-11a-1. Park strip landscaping.

(1) All park strip areas in residential subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall landscaped and maintained. Landscaping of park strips with seed, sod, or lawn shall be prohibited. Park strip landscaping shall be hardscapes, i.e. colored and/or stamped concrete, decorative rock, mulches, or similar decorative materials that do not require irrigation. Park strips shall also include street trees as required in Section 4-11a-2 herein and may include water-wise shrubs and plantings that requires little to no water. Hardscapes in park strips may also include artificial turf that gives the appears of lawn but requires no water. All landscaping shall be perpetually maintained by the owner of the appurtenant property.

(Ord. 2023-22, 06-07-2023) (Ord. 2006-05, 01-18-2006) (Ord. 2005-03, 02-02-2005)

4-11a-2. Park strip trees.

(1) Within two (2) years of receiving a certificate of occupancy for a residential housing unit, the owner of each residential lot within Tooele City shall plant trees within the unpaved portion of the park strip of each public street that abuts the property, as follows: at least one (1) tree per park strip frontage in the R1-7 and R1-8 zones; at least two (2) trees per park strip frontage in the R1-10, R1-12, and R1-14 zones; and at least three (3) trees per park strip frontage in the R1-30, RR-1, and RR-5 zones.

(2) If public streets abut the front and rear boundaries of the residential lot, trees are required in the park strip abutting the front boundary but not the rear boundary. If public streets abut the front and any side boundaries of the residential lot, trees must be planted in park strips abutting the front and side(s).

(3) Trees planted within park strip areas shall comply with the Street Tree Selection Guide authorized in §4-11-20. All other varieties are prohibited in the park strip.

(4) Trees shall not be less than one and one-half inches caliper measured one foot from the ground and shall not be shorter than six feet in height. Park strip trees shall be spaced according to the Tooele City Street Tree Selection Guide and shall not be planted less than ten feet from the adjoining property line. Lot owners shall be responsible for the perpetual care and maintenance of trees planted in park strip areas.

(5) Any park strips that are less than five feet in width, including areas with integral sidewalk, shall have the required trees installed behind the sidewalk, on private property, in the same manner as would be installed in the park strip.

(Ord. 2023-22, 06-07-2023) (Ord. 2017-15, 05-17-2017) (Ord. 2005-03, 02-02-2005)

4-11a-3. Residential Park Strip Tree Bond Requirements.

(1) Upon applying for a building permit to construct a residential housing unit upon a residential lot in Tooele City, the owner of the residential lot or his or her agent shall post a refundable deposit in the amount of $150 for each park strip tree that is required under §4-11a-2, Tooele City Code.

(2) Park strip trees shall of a variety specified in §4-11-20, Tooele City Code, and shall meet the height and caliper measurement requirements of §4-11a-1(3).

(3) Within three years of receiving a certificate of occupancy for a residential housing unit constructed upon a residential lot within Tooele City, the owner of the lot may submit an application for reimbursement of the street tree bond paid with the building permit for the primary single-family residence on that lot to the Tooele City Building Division for consideration.

(4) Once an application for reimbursement for with the park strip tree planting requirement has been provided, as set forth herein, and the Building Official or his representative is satisfied that the provisions of this Chapter have been met, Tooele City shall release the park strip tree bond to the owner or owners of record of the appurtenant residential lot, regardless of whether a previous owner posted the bond or purchased and planted the trees. The obligation to plant trees in the park strip(s), as well as the entitlement to recoup the bond proceeds, shall attach to lot ownership, and no one other than the owner of record at the time that the application for reimbursement is submitted shall have any claim upon the bond amount.

(5) If the owner of a residential lot fails to submit an application for reimbursement of the street tree bond within three years of receiving a certificate of occupancy for a residential housing unit constructed upon the property, the bond posted for park strip trees shall be forfeited to the City.

(6) Forfeited bond proceeds shall be deposited in a special account and used exclusively for tree planting and landscape beautification projects in public spaces located anywhere within Tooele City.

(Ord. 2023-22, 06-07-2023) (Ord. 2005-03, 02-02-2005)

CHAPTER 12. MUNICIPAL IMPROVEMENT DISTRICT ACT

4-12-1. Citation of chapter.
4-12-2. Purpose of chapter.
4-12-3. Definitions.
4-12-4. Powers of municipality.
4-12-5. Notice of intention to create special Improvement district - Contents.
4-12-6. Notice of intention to create special improvement district - Publication -Mailing.
4-12-7. Protests by property owners - Public hearing - Resolution - Number of protests required - Failure to file protest, effect of.
4-12-8. Contracting for improvements - bids, publication and notice - Improvements for which contracts need not be let.
4-12-9. Payment of contracts - Method - Progress payments - Retainage escrow.
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4-12-28. Objection to assessment - Actions to enjoin levy or set aside proceedings.
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4-12-32. Interest charges, penalties and other collections greater than expenses - Excess transferred to guaranty fund.
4-12-33. Special improvement fund insufficient to pay bond - Payment by warrant against guaranty fund.
4-12-34. Purchase by municipality of property sold for delinquent assessments - Assessment installments paid from guaranty fund - Reimbursement of guaranty fund from sale proceeds.
4-12-35. Payment on bonds from guaranty fund - Municipality subrogated to rights of holders.
4-12-36. Insufficient balance in guaranty fund- Replenishment by municipality - Warrants - Increase in annual tax levy.
4-12-37. Excess amount in guaranty fund - Transfer to general fund - Special improvement refunding bonds.
4-12-38. Municipality's right to make other improvements not restricted - Authority not affected by other laws.
4-12-39. Proceedings prior to act validated - Exceptions.

4-12-1. Citation of chapter.

This chapter shall be known and may be cited as the Tooele City Municipal Improvement District Act. (Ord. 88-25, 08-03-88)

4-12-2. Purpose of chapter.

The purpose of this chapter is to revise, codify and improve existing laws relating to Tooele City's special improvement districts, to recognize existing practices relating to these districts, and to modernize and improve these laws in the light of these practices and in recognition of new needs of Tooele City and its

inhabitants. (Ord. 88-25, 08-03-88)

4-12-3. Definitions.

As used in this chapter:

(1) "Assessment" means a special tax levied against property within a special improvement district to pay all or a portion of the costs of making improvements in the district. All references to "assessment" or "assessments" in Subsection 4-12-21(3) and Sections 4-12-22, 4-12-24, 4-12-25, 4-12-26, 4-12-29, 4-12-30, 4-12-34, and 4-12-36, are deemed to include any reduced payment obligations.

(2) "Bonds" or "special improvement bonds" means bonds issued under this chapter payable from assessments and out of the Special Improvement Guaranty Fund established as provided in this chapter. All references to "bonds" or "special improvement bonds" in the following provisions are deemed to include any special improvement refunding bonds:

(a) Subsection 4-12-4(2);

(b) Sections 4-12-21, 4-12-22, 4-12-25, 4-12-26, 4-12-29, and 4-12-30;

(c) Section 4-12-32, except the reference in that section to "bond fund"; and

(d) Sections 4-12-33, 4-12-35, and 4-12-38.

(3) "Connection fee" means a fee charged by the governing body to connect onto the city sewer, water, gas, or electrical system and used for purposes of financing special improvements in a special improvement district or paying for the privilege of using existing improvements of Tooele City and includes a fee charged by the governing body to pay for the costs of connecting onto the city sewer, water, gas, or electrical system even though the improvements are installed on the assessed owner's property.

(4) "Contract price" means the amount payable to one or more contractors for the making of improvements in a special improvement district under any contract duly let to the lowest responsible bidder or bidders as required by this chapter, including amounts payable for extra or additional work when authorized by the governing body or in accordance with the terms of the contract less appropriate credit for work deleted from the contract when authorized by the governing body or in accordance with the contract.

(5) "Governing body" means the Tooele City Council.

(6) "Incidental refunding costs" means any costs of issuing special improvement refunding bonds and of calling, retiring, or paying prior bonds, including, without limitation, legal fees, accounting fees, charges of fiscal agents, escrow agents and trustees, underwriting discount, printing costs, giving of notices, any premium necessary in the calling or retiring of the prior bonds, and any other costs necessary or desirable in connection with the issuance of special improvement refunding bonds, as determined by the governing body, and any interest on the prior bonds which may be required to be paid in connection with the issuance of the special improvement refunding bonds.

(7) "Municipality" means Tooele City.

(8) "Optional improvements" means improvements in a special improvement district which may be conveniently installed at the same time as other improvements in the district and which the governing body provides may be installed at the option of the property owner on whose property or for whose particular benefit the improvements are made, including, by way of example and not in limitation, private driveways, irrigation ditches, and water turnouts.

(9) "Overhead costs" means the actual costs incurred by a municipality in connection with a special improvement district for engineering, appraisals, legal fees, fiscal agent charges, inspection, publishing and mailing notices, levying assessments, and all other incidental costs relating to the district.

(10) "Prior bonds" means the outstanding special improvement bonds which are refunded by an issue of special improvement refunding bonds.

(11) "Prior ordinance" means the ordinance levying assessments from which the prior bonds and the interest thereon are payable.

(12) "Property" means real property or any interest in real property.

(13) "Property price" means the purchase or condemnation price of property acquired in order to make improvements in a special improvement district.

(14) "Reduced payment obligations" means the reduced amounts of the assessments levied, or the interest thereon established in the prior ordinance, or both, as set forth in the amending ordinance described in Subsection 4-12-27.1(8).

(15) "Special improvement district" or "district" means a district created for the purpose of making improvements under this chapter.

(16) "Special improvement refunding bonds" means any obligations issued to refund any special improvement bonds and payable from the assessments and interest thereon from which the prior bonds are payable, or from any reduced payment obligations and out of the Special Improvement Guaranty Fund as provided in this chapter. (Ord. 88-25, 08-03-88)

4-12-4. Powers of municipality.

(1) The governing body of Tooele City shall have power to make or cause to be made any one or more or combination of the following improvements:

(a) To establish grades and lay out, establish, open, extend and widen any street, sidewalk, alley or

off-street parking facility;

(b) To improve, repair, light, grade, pave, repave, curb, gutter, sewer, drain, park and beautify any street, sidewalk, alley or off-street parking facility;

(c) To construct, reconstruct, extend, maintain or repair bridges, sidewalks, crosswalks, driveways, culverts, sewers, storm sewers, drains, flood barriers and channels; and to construct, reconstruct, extend, maintain, or repair lines, facilities and equipment (other than generating equipment) for street lighting purposes or for the expansion or improvement of a previously established municipally owned electrical distribution system, to a district within the boundaries of the municipality;

(d) To plant or cause to be planted, set out, cultivate and maintain lawns, shade trees or other landscaping;

(e) To cover, fence, safeguard or enclose reservoirs, canals, ditches and watercourses and to construct, reconstruct, extend, maintain and repair waterworks, reservoirs, canals, ditches, pipes, mains, hydrants, and other water facilities for the purpose of supplying water for domestic and irrigation purposes or either, regulating, controlling or distributing the same and regulating and controlling water and watercourses leading into the municipality;

(f) To acquire, construct, reconstruct, extend, maintain or repair parking lots or other facilities for the parking of vehicles off streets;

(g) To acquire, construct, reconstruct, extend, maintain or repair any of the improvements authorized in this section for use in connection with an industrial or research park except that this act may not be used to pay the cost of buildings or structures used for industry or research;

(h) To acquire, construct, reconstruct, extend, maintain or repair parks and other recreational facilities;

(i) To remove any nonconforming existing improvements in the areas to be improved;

(j) To construct, reconstruct, extend, maintain or repair optional improvements;

(k) To acquire any property necessary or advisable in order to make any of such improvements;

(l) To make any other improvements now or hereafter authorized by any other law, the cost of which in whole or in part can properly be determined to be of particular benefit to a particular area within the municipality;

(m) To construct and install all such structures, equipment and other items and to do all such work as may be necessary or appropriate to complete any of such improvements in a proper manner.

(2) For the purpose of making and paying for all or a part of the cost of any of such improvements (including optional improvements), the governing body of Tooele City may create special improvement districts within the municipality, levy assessments on the property within such a district which is benefited by the making of the improvements and issue interim warrants and special improvement bonds as provided in this act. (Ord. 88-25, 08-03-88)

4-12-5. Notice of intention to create special improvement district - Contents.

(1) Before a special improvement district is created, the governing body shall give notice of its intention to make the improvements and to levy assessments to pay all or a part of the cost of them. The notice shall:

(a) State the purpose for which the assessments are to be levied.

(b) State the method or methods under which the assessments are proposed to be levied, that is, according to frontage, according to area, according to assessed valuation, according to lot, according to number of connections, or by any combination of these methods.

(c) Describe the district. The description may be by metes and bounds, by reference to streets or extensions of streets, or by any other means reasonably describing the district so as to permit owners of property therein to ascertain that their property is within the district. All property to be assessed shall be included within the district, but it is not a defect if property which is not to be assessed is included. Different areas which are not connected or contiguous may be included in a single special improvement district and separate boundaries for each of these areas may be established, or all or one or more of these areas may be included within a single boundary.

(d) In a general way, describe the improvements proposed to be made showing the places the improvements are proposed to be made and the general nature of the improvements. The improvements may be described by type or kind and the places these improvements are proposed to be made may be described by reference to streets or portions of streets or extensions of streets or by any other means the governing body may choose which reasonably describes the improvements proposed to be made.

(e) State the estimated cost of the improvements as determined by the engineer of the municipality. If the actual cost of the improvements exceeds the estimated cost, the governing body shall nevertheless have the right to levy assessments in excess of the estimated cost.

(f) State that it is proposed to levy assessments on property in the district to pay all or a portion of the cost of the improvements according to

the benefits to be derived by the property.

(g) Designate the time within which and the place where protests shall be filed and the time and place at which the governing body will conduct a public hearing to consider these protests.

(h) State the method for determining the necessary number of protests required to be filed under Subsection 4-12-7(3).

(2) The notice may contain such other information as the governing body shall determine to be appropriate, including the amount or proportion of the cost of the improvements to be paid for by the municipality or from sources other than assessments, the estimated amount of each type of assessment for the various improvements to be made according to the method of assessment chosen by the governing body and provisions for any optional improvements. The failure to include this information shall in no event be deemed jurisdictional or a defect preventing the municipality from proceeding with the special improvement district. The inclusion of any permitted information shall not be considered a limitation on the municipality from subsequently changing its plans in regard to any of the information so set forth. (Ord. 88-25, 08-03-88)

4-12-6. Notice of intention to create special improvement district - Publication - Mailing.

The notice of intention shall be published in a newspaper published in the municipality, or if there is no newspaper published in the municipality, then in a newspaper having general circulation in the municipality, except that in cities of the third class or towns where there is no newspaper published in the city or town, the governing body may provide that the notice of intention be given by posting in lieu of publication of this notice. If the notice is published, it shall be published once during each week for four successive weeks, the last publication to be at least five days and not more than 20 days prior to the time fixed in the notice as the last day for filing of protests. If the notice is posted, it shall be posted in at least three public places in the municipality at least 20 and not more than 35 days prior to the time fixed in the notice as the last day for the filing of protests. In addition, not later than 10 days after the first publication or posting of the notice, it shall be mailed postage prepaid: (1) addressed to each owner of property to be assessed within the special improvement district at the last known address of that owner using for this purpose the names and addresses appearing on the last completed real property assessment rolls of the county in which the property is located; and (2) addressed to "owner" at the street number of each piece of improved property to be assessed. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the notice. (Ord. 88-25, 08-03-88)

4-12-7. Protests by property owners - Public hearing - Resolution - Number of protests required - Failure to file protest, effect of.

(1) Any person who is the owner of property to be assessed in the special improvement district described in the notice of intention shall have the right, within the time designated in the notice, to file in writing a protest to the creation of the special improvement district or making any other objections relating to it. The protest shall describe or otherwise identify the property owned by the person or persons making the protest.

(2) On the date and at the time and place specified in the notice of intention, the governing body shall in open and public session consider all protests so filed and hear all objections relating to the proposed special improvement district. The hearing may be adjourned from time to time to a fixed future time and place. After the hearing has been concluded and after all persons desiring to be heard have been heard, the governing body shall consider the arguments put forth and the protests made and may make such deletions and changes in the proposed improvements and in the area to be included in the special improvement district as it may consider desirable or necessary to assure adequate benefits to the property in the district but may not provide for the making of any improvements not stated in the notice of intention nor for adding to the district any property not included within the boundaries of the district unless a new notice of intention is given and a new hearing held.

(3)(a) After this consideration and determination, the governing body shall adopt a resolution either abandoning the district or creating the district either as described in the notice of intention or with deletions and changes made as authorized in subsection (1); but the governing body shall abandon the district and not create the same if the necessary number of protests as provided in this subsection (3) have been filed on or before the time specified in the notice of intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the district and (ii) protests which have been withdrawn in writing prior to the conclusion of the hearing. For purposes of this section, the necessary number of protests shall mean the aggregate of the following:

(b) Protests representing one-half of the property to be assessed in cases where an assessment is proposed to be made according to frontage;

(c) Protests representing one-half of the area of the property to be assessed where an assessment is to be made according to area;

(d) Protests representing one-half of the assessed valuation of the property to be assessed where an assessment is proposed to be made according to assessed valuation;

(e) Protests representing one-half of the lots to be assessed where an assessment is proposed to be made according to lot; or

(f) Protests representing one-half of connections to be assessed where an assessment is proposed to be made according to number of connections.

(4) If less than the necessary number of protests are filed by the owners of the property to be assessed, the governing body shall have jurisdiction to create the special improvement district and proceed with the making of the improvements.

(5) Should the governing body create the special improvement district, it shall, within five days from the date of creating the district, file a copy of the notice of intention and the resolution creating the district, as finally approved, in the county recorder's office in the county in which the district is located. The county recorder shall maintain a public file of all special improvement districts created under this chapter.

(6) Any person who fails to file a protest within the time specified or having filed withdraws this protest, shall be deemed to have waived any objection to the creation of the district, the making of the improvements and the inclusion of his property in the district. The waiver, however, shall not preclude his right to object to the amount of the assessment at the hearing for which provision is made in section 4-12-17. (Ord. 88-25, 08-03-88)

4-12-8. Contracting for improvements - Bids, publication and notice - Improvements for which contracts need not be let.

(1) Except as otherwise provided in this section, improvements in a special improvement district shall be made only under contract duly let to the lowest responsible bidder for the kind of service or material or form of construction which may be determined upon. The improvements may be divided into parts and separate contracts let for each part or several such parts may be combined in the same contract. A contract may be let on a unit basis. A contract shall not be let until a notice to contractors that sealed bids for the construction of the improvements will be received by the governing body at a specified time and place and such notice has been published at least one time in a newspaper having general circulation in Tooele City at least fifteen days before the date specified for the receipt of bids; provided, if by inadvertence or oversight, the notice is not published or is not published for a sufficient period of time prior to the receipt of bids, the governing body may still proceed to let a contract for such improvements if at the time specified for the receipt of bids it has received not less than three sealed and bona fide bids from contractors. The notice to contractors may be published simultaneously with the notice of intention. The governing body shall in open session at the time specified in the notice, open, examine and publicly declare the bids and may reject any or all bids when deemed for the public good and, at such or a later meeting, shall reject all bids other than the lowest and best bid of a responsible bidder. If the price bid by the lowest and best responsible bidder exceeds the estimated costs as determined by the engineer of Tooele City, the governing body may nevertheless award a contract for the price so bid. The governing body may in any case refuse to award a contract and may obtain new bids after giving a new notice to contractors or may determine to abandon the district or not to make some of the improvements proposed to be made.

(2) A contract need not be let for any improvement or part of any improvement the cost of which or the making of which is donated or contributed by any individual, corporation, the municipality, the state of Utah or the United States or any political subdivision of the state of Utah or of the United States. All such donations or contributions may be accepted by the municipality, but no assessments shall be levied against the property in the district for the amount of such donations or contributions.

(3) A contract need not be let as provided in this section where the improvements consist of the furnishing of utility services or maintenance of improvements. Such work may be done by the municipality itself. Assessments may be levied for the actual cost incurred by the municipality for the furnishing of such services or maintenance or, in case the work is done by the municipality, to reimburse the municipality for the reasonable cost of supplying such services or maintenance.

(4) A contract need not be let as provided in this section where any labor, materials or equipment to make any of the improvements are supplied by the municipality. Assessments may be levied to reimburse the municipality for the reasonable cost of supplying such labor, materials or equipment. (Ord. 88-25, 08-03-88)

4-12-9. Payment of contracts - Method - Progress payments - Retainage escrow.

(1) Any contract for work in any special improvement district and any contract for the purchase

of property necessary to acquire in order to make improvements in any special improvement district may provide that the contract price or property price shall be, or, at the option of the municipality, may be paid, in whole or in part by the issuance of special improvement bonds issued against the funds created by assessments levied to pay the costs and expenses of improvements in the special improvement district or by interim warrants issued as authorized by this act at the time such special improvement bonds or interim warrants, as the case may be, can be legally issued and delivered. If any contract is not paid from such sources in whole or in part or, if paid in part, to the extent not so paid from such sources, the municipality shall be responsible for advancing funds for payment of the contract price or property price from the general funds of the municipality or from other funds legally available for such purpose in the manner and at the time provided in the contract. From the proceeds of the sale of interim warrants or special improvement bonds or from funds paid on assessments not pledged for the payment of such bonds or warrants, the municipality may reimburse itself for the amount paid from its general funds or other funds except that the municipality may not reimburse itself for any of the costs of making the improvements properly chargeable to the municipality or for which assessments may not be levied.

(2) Any contract for work in a special improvement district may provide for payments to the contractor as the work progresses. If the contract so provides, payments may be made from time to time to the extent of not to exceed 90% of the value of the work done to the date of payment as determined by estimates of the engineer for the municipality with final payment to be made only after completion of the work by the contractor and acceptance of the work by the municipality. If payments payable to the contractor as the work progresses are retained pursuant to this subsection, they shall be placed in an interest bearing account and the interest shall accrue for the benefit of the contractor and subcontractors. It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis. (Ord. 88-25, 08-03-88)

4-12-10. Interim warrants.

(1) The governing body, from time to time as work proceeds in a special improvement district, may issue interim warrants against the district (a) for not to exceed ninety percent in value of the work theretofore done upon estimates of the engineer of the municipality, (b) after completion of the work and acceptance thereof by the engineer of the municipality and the governing body, for one hundred percent of the value of the work so completed, and (c) where improvements in the district require the acquisition of property, for not to exceed the property price. Subject to the provisions of section 1-16-9, the warrants may be issued to a contractor to apply at par value on the contract price for the improvements or to the owner or owners of the property to apply at par value on the property price. The warrants may also be issued and sold at not less than par value in such manner as the governing body may determine and the proceeds used to apply towards payment of the contract price and property price.

(2) Interim warrants shall bear interest from date of issue until paid at such rate or rates as may be fixed by the governing body. Interest accruing on interim warrants shall be included as a cost of the improvements in the special improvement district.

(3) Interim warrants and interest thereon shall be paid by the issuance of or by proceeds from the sale of special improvement bonds issued against the district or in cash received from the payment of assessments not pledged to the payment of the bonds or from any of such sources. (Ord. 88-25, 08-03-88)

4-12-11. Connections of public utilities - Power to regulate - Connection at expense of company - Service owned or provided by municipality, power to assess cost of connection.

The governing body may require in any special improvement district before paving or repaving is done within it that all water, gas, sewer, and underground electric and telephone connections be made under such regulations and at such distances from the street mains to the line of the property abutting upon the street to be paved or repaved as may be prescribed by resolution. The governing body may require that any waterworks company owning the water pipe main, any gas company owning the gas pipe main, and any electric or telephone company owning any underground electric or telephone main make these connections. Upon the neglect or failure of the company to do the same, the governing body may cause the same to be done; and the cost of this shall be deducted from any indebtedness of the municipality to the company, and no bills shall be paid to the company by the municipality until all such expense for pipe laying shall have been liquidated. The governing body shall also have the power at any time to assess for reasonable connection fees or for the cost of any sewer, water, gas, or electric connections when the municipality owns or supplies these services and owns the mains, to such depth as it shall deem just and equitable, upon the property benefited. (Ord. 88-25, 08-03-88)

4-12-12. When assessments may be levied.

Assessments for improvements in a special improvement district may be levied:

(1) At any time after all contracts for the making of the improvements have been let, the property price for all property acquired to make the improvements has been finally determined and the reasonable cost of any work to be done by the municipality has been determined; or

(2) For light service or park maintenance, at any time after the light service or park maintenance has commenced; or

(3) At any time after all of the improvements in the special improvement district are entirely completed and accepted. (Ord. 88-25, 08-03-88)

4-12-13. Maximum amount which can be assessed - Payment from general funds.

(1) Assessments for improvements in a special improvement district shall not in the aggregate exceed the sum of:

(a) The contract price;

(b) The reasonable cost of utility services, maintenance, labor, materials, or equipment supplied by the municipality;

(c) The property price, if any;

(d) The connection fees, if any;

(e) Interest on interim warrants issued against the special improvement district;

(f) Overhead costs not to exceed 15% of the sum of subsections (1)(a), (1)(b), (1)(c), and (1)(d).

(g) Where the assessment is levied prior to the time all of the improvements in the district are entirely completed and accepted, an amount for contingencies of not to exceed 10% of the sum of subsections (1)(a) and (1)(b).

(2) The municipality shall pay from its general funds or from other sources legally available for such purpose:

(a) That part of the overhead costs for which an assessment cannot be levied;

(b) Where assessments are levied prior to the time all improvements in the district are entirely completed, all costs of making the improvements for which an assessment was not levied; and

(c) The cost of making improvements for the benefit of property against which an assessment may not be levied. (Ord. 88-25, 08-03-88)

4-12-14. Costs not payable by assessments.

(1) Nothing in this act shall permit the levy of assessments to pay for the cost of ordinary repairs to pavement, sewers, drains, curbing, gutters or sidewalks, but such levies may be made for extraordinary repairs to such items. The cost of ordinary repairs shall be borne by the municipality. The governing body by ordinance or resolution may define what constitutes ordinary repairs and what constitutes extraordinary repairs.

(2) Where improvements in a special improvement district involve changing the grade of a street, alley or sidewalk, one-half of the cost of bringing the street, alley or sidewalk to the established grade shall be paid by the municipality.

(3) Where improvements in a special improvement district involve improvements to the intersections of streets or spaces opposite alleys, assessments may be levied for the cost of such improvements. (Ord. 88-25, 08-03-88)

4-12-15. Property of public agencies not assessable - Charges for services or materials permitted - Property acquired after creation of district.

(1) Except as provided in subsection (2), a municipality may not levy an assessment against property owned by the federal government, the state of Utah, any county, school district, municipality or other political subdivision of the state of Utah or by any department or division of any such public agency even though such property is benefited by improvements made, but each such public agency is authorized to contract with the municipality for the making of such improvement and for the payment of the cost thereof to the municipality. Nothing in this section shall prevent a municipality from imposing or a public agency from paying reasonable charges for any services or materials actually rendered or supplied by the municipality to the public agency, including, by way of example and not in limitation, charges for water, lighting, or sewer services.

(2) An assessment may be levied and enforced against property acquired by a public agency which is within a special improvement district created prior to the acquisition. Property acquired by a public agency which is subject to the lien of an assessment at the time of acquisition shall continue to be subject to such lien and to enforcement of the same against the property if the assessment and interest accruing thereon is not paid when due. (Ord. 88-25, 08-03-88)

4-12-16. Areas which may be assessed - Assessment to be equal and uniform - Alternate methods of assessment.

Assessments shall be levied on all blocks, lots, parts of blocks and lots, tracts or parcels of property bounding, abutting upon or adjacent to the improvements or which may be affected or specially benefited by the improvements to the extent of the benefits to such property by reason of the improvements. Assessments may be to the full depth of such property or to such depth as the governing body may provide. Assessments shall be equal and uniform according to the benefits received. Assessments may be according to area or frontage or assessed valuation or, in the case of water supplied for

irrigation purpose, according to the amount of water used, all as the governing body may consider fair and equitable. Different improvements in a special improvement district may be assessed according to different methods. An allowance shall be made for corner lots so that they are not assessed at full rate on both streets. (Ord. 88-25, 08-03-88)

4-12-17. Assessment list - Board of equalization and review - Publication and mailing of notice - Hearings - Corrections in assessments - Report of board - Failure to appear at hearing, effect of.

(1) Before an assessment is levied, an assessment list shall be prepared designating each parcel of property proposed to be assessed and the amount of the assessment apportioned to this property as provided in this chapter. Upon completion of the assessment list, the governing body shall appoint a board of equalization and review consisting of three or more of the members of the governing body or at the obligation of the governing body of the municipality, consisting of the city recorder or designee, city engineer or public works director or a designee from the city attorney's office, and shall give public notice of the completion of the assessment list and of the time and place of the holding of public hearings relating to the proposed assessments. Appeal from a decision of a city board of equalization and review may be taken to the governing body of the city within 60 days.

(2) The notice shall be published in a newspaper published in the municipality or, if there is no newspaper published in the municipality, then in a newspaper having general circulation in the municipality, except that in cities of the third class or towns where there is no newspaper published, the governing body may provide that the notice be given by posting in lieu of publication. The notice shall be published at least one time or, if posted, shall be posted in at least three public places in the municipality and in either case the first publication or posting shall be at least 20 and not more than 35 days prior to the date the board will begin its hearings. In addition, not later than 10 days after the first publication or posting of the notice, the notice shall be mailed, postage prepaid: (a) addressed to each owner of property to be assessed within the special improvement district at the last known address of the owner, using for this purpose the names and addresses appearing on the last completed real property assessment rolls of the county in which the property is located; and (b) addressed to "owner" at the street number of each piece of improved property to be assessed. If a street number has not been assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the notice.

(3) The board of equalization and review shall convene at the time and place specified in the notice. Hearings shall be held on not less than three consecutive days for at least one hour between 9:00 a.m. and 9:00 p.m. as specified in the notice. The hearings may be adjourned or recessed from time to time to a specific place and a specific hour and day until the work of the board shall have been completed. At each hearing the board shall hear arguments from any person who believes himself to be aggrieved, including arguments relating to the benefits accruing to any tract, block, lot, or parcel of property in the district or relating to the amount of the proposed assessment against that tract, block, lot or parcel.

(4) After the hearings have been completed, the board shall consider all facts and arguments presented and shall make those corrections in any proposed assessment as it may consider just and equitable. These corrections may eliminate one or more pieces of property or may increase or decrease the amount of the assessment proposed to be levied against any piece of property. In the event the corrections result in an increase of any proposed assessment, before approving the corrected assessment list, the board shall cause to be mailed to each owner of property whose assessment is to be increased a notice stating that the assessment will be increased, the amount of the proposed new assessment, that a hearing will be held at which the owner may appear and make any objections to the increase, and the time and place of the hearing. The notice shall be mailed to the last known address of the owner using for this purpose the names and addresses appearing on the last completed real property assessment rolls of the county where the affected property is located, and in addition a copy of the notice shall be addressed to "owner" and shall be so mailed addressed to the street number of each piece of improved property to be affected by the increased assessment. If a street number has not been assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the notice. The notice shall be mailed at least 15 days prior to the date stated in the notice for the holding of the new hearing.

(5) After all corrections shall have been made and all hearings, including hearings under subsection (4) shall have been held, the board shall report to the governing body its findings that each piece of property within the special improvement district will be benefited in an amount not less than the assessment to be levied against the property and that no piece of property listed on the assessment will bear more than its proportionate share of the cost of the improvement. These findings, when approved by the governing body or after passage of time for appeal and review by the

governing body of the city, shall be final and no appeal may be taken from them. Upon receipt of the report from the board, the governing body may proceed with the levy of the assessments.

(6) Every person whose property is subject to assessment and who fails to appear before the board of equalization and review to raise his objections to the levy of the assessment shall be deemed to have waived all objections to the levy except the objection that the governing body failed to obtain jurisdiction to order the making of the improvements which the assessment is intended to pay. (Ord. 88-25, 08-03-88)

4-12-18. Ordinance levying assessments - Publication - Description of property - Recording.

(1) Notwithstanding the provisions of any law concerning the publication, posting or effective date of ordinances, any ordinance levying assessments shall be published one time in a newspaper published in the municipality, or if there is no newspaper published therein, then in a newspaper having general circulation in the municipality and the ordinance shall be effective on the date of such publication or at such later date as may be provided in the ordinance. No other publication and no posting of such an ordinance shall be required nor shall it be necessary to declare that the immediate preservation of the peace, health or safety of the municipality requires the ordinance to be effective on the date of publication or at such later date.

(2) An ordinance levying assessments need not describe each block, lot, part of block or lot, tract or parcel of property to be assessed. It shall be sufficient if the ordinance incorporates by reference the corrected assessment list.

(3) Within five days after adopting the assessment ordinance, the governing body shall file a copy of the ordinance with the county recorder's office in the county in which the assessed property is located. If the assessment ordinance incorporates the assessment list by reference, the governing body shall also file a copy of the final assessment list with the county recorder. The county recorder shall maintain a public file of all assessment ordinances and assessment lists adopted and approved under this chapter. (Ord. 88-25, 08-03-88)

4-12-19. Supplemental assessment.

In case of any deficiencies, omissions, errors or mistakes in making any assessment or levy in respect to the total cost of the improvements or in respect to any tract, lot, block or parcel in the special improvement district which has not been fully assessed or which has been assessed in an incorrect amount, the governing body may make a supplemental assessment and levy to supply such deficiencies, omissions, errors, or mistakes after the holding of a hearing and giving notice as provided in subsection (4) of section 4-12-17. (Ord. 88-25, 08-03-88)

4-12-20. Payment of assessments in installments - Frequency - Interest.

(1) An assessment shall be levied at one time upon the property. The governing body may provide in the ordinance levying the assessment that all or such portion of the assessment as is designated in the ordinance may be paid in installments over a period of time not exceeding 20 years from the effective date of the ordinance levying the assessment, except that in any case where the installments are to be payable over a period of time exceeding 10 years from the effective date, the governing body shall find and determine that the improvements for which the assessment are made have a reasonable useful life for the full period during which the installments are payable or that it would otherwise be in the best interests of the municipality and of the owners of property to be assessed to provide for payment of the assessments over a period in excess of 10 years.

(2) Installments shall be payable at least annually but may be payable at more frequent intervals as provided by the ordinance levying the assessment, except that if the ordinance provides for payment of the assessment over a period in excess of 10 years from the effective date of the same, the ordinance may also provide that no installments of these assessments shall be payable during all or any portion of the period ending three years after this effective date.

(3) Where the assessment is payable in installments, the ordinance shall provide that the unpaid balance of the assessment shall bear interest at a rate or rates determined by the governing body from the effective date of the ordinance or from such other date as may be specified in the ordinance until due; except that where the assessment is for light service or park maintenance, interest shall be charged only from the due date of each installment, and the first installment for any assessment shall be due 15 days after the effective date of the ordinance. Interest shall be paid in addition to the amount of each installment annually or at more frequent intervals as provided in the ordinance levying the assessment. (Ord. 88-25, 08-03-88)

4-12-21. Prepayment of unpaid installments.

(1) Assessments payable in installments may be paid prior to the due date of any such installment as provided in this section but not otherwise.

(2) The whole or any part of the assessment may be paid without interest within fifteen days after the ordinance levying the assessment becomes effective. If the assessment is paid in part, the unpaid balance shall

be payable in substantially equal installments over the period of time installments are payable as provided in the assessment ordinance.

(3) After such fifteen-day period and if the ordinance levying the assessment so provides, all unpaid installments of assessments levied against any piece of property (but only in their entirety) may be paid prior to the dates on which they become due, but any such prepayment may include an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on any special improvement bonds issued in anticipation of the collection of the assessments, plus such additional amount as, in the opinion of the governing body or of any officer of the municipality designated by the governing body, is necessary to assure the availability of money to pay interest on the special improvement bonds as interest becomes due and payable or interest may be charged to the date of prepayment plus any premiums which may become payable on redeemable bonds which may be called in order to utilize the assessments thus paid in advance. (Ord. 88-25, 08-03-88)

4-12-22. Default in payment.

(1) When an assessment is payable in installments and a default occurs in the payment of any installment when due, the governing body may declare the unpaid amount to be delinquent, immediately due, and subject to collection as provided in this chapter. In addition, it may accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable and shall be paid at such rate as shall be determined by the governing body until the next succeeding date after payment or collection on which interest is payable on any bonds issued. Costs of collection as approved by the governing body or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable.

(2) Notwithstanding the provisions of subsection (1), if prior to the final date that payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the owner pays the amount of all unpaid installments which are past due and delinquent with interest at the rate determined by the governing body to date of payment plus all approved or required costs, the owner shall then be restored to the right to pay in installments in the same manner as if default had not occurred. (Ord. 88-25, 08-03-88)

4-12-23. Lien for assessment - Priority.

An assessment or any part or installment of it, any interest accruing, and the penalties and costs of collection as provided in Part 13, Chapter 2, Title 59 of the Utah Code Annotated shall constitute a lien against the property upon which the assessment is levied on the effective date of the ordinance levying the assessment. This lien shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien, or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall apply without interruption, change in priority, or alteration in any manner to any reduced payment obligations and shall continue until the assessments, reduced payment obligations, and any interest, penalties, and costs on them are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax, or other assessment or the issuance of a tax deed, an assignment of interest by the county, or a sheriff's certificate of sale or deed. (Ord. 88-25, 08-03-88)

4-12-24. Sale of property to collect assessment.

(1) All assessments made under this chapter or any part or installment of same shall be paid and collected when due or the property charged with the assessment shall be sold for the amount due, plus interest, penalties, and costs, in such manner as may be provided by ordinance of the municipality or in the manner provided by chapter 10, title 59, Utah Code Annotated, for the sale of property for delinquent general property taxes. All pertinent provisions of chapter 10, title 59, Utah Code Annotated, shall apply under this chapter, including the foreclosure of lien provisions, unless this chapter shall modify these provisions and except that the wording of chapter 10, title 59 shall be changed as appropriate to mean the assessments permitted to be imposed by this chapter rather than general property taxes so as to accomplish the purposes of this chapter.

(2) The governing body may also provide for the summary sale of any property assessed under this chapter after a delinquency shall have occurred in the payment of any assessment or part or installment of it. The sale shall be in the manner provided for actions to foreclose mortgage liens or trust deeds, except that if at the sale no person or entity shall bid and pay the municipality the amount due on the assessment plus interest and costs, the property shall be deemed sold to the municipality for these amounts. The municipality shall be permitted to bid at the sale.

(3) The remedies provided in this chapter for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the municipality of the

use of any other method or means. (Ord. 88-25, 08-03-88)

4-12-25. Sale of property - Redemption - Payments from guaranty fund - Reimbursement from sale proceeds.

In case any assessment or any part or installment of it becomes delinquent and the property subject to same is sold to the municipality at preliminary tax sale for the collection of the delinquent amount, plus interest, penalties, and costs, redemption and private sales of the property shall be the same as provided in chapter 10, title 59, Utah Code Annotated, relating to general property tax delinquencies. In order to avoid default in the payment of any outstanding bonds or interim warrants issued under this chapter, the municipality may determine to pay any delinquent amounts due, plus the interest, penalties, and costs, or it may pay these amounts and the full balance of the assessment if accelerated or any parts or installments that may become due during the period of redemption. All amounts paid by the municipality for the delinquency may be paid out of the guaranty fund and charged against the delinquent property. Upon the final tax sale of the property so charged, all amounts paid by the municipality shall be included in the sale price of the property recovered in the sale, and the guaranty fund reimbursed for it. If the property so charged is sold to the municipality at final tax sale and additional assessment installments will become due, the municipality shall pay the additional installments out of the guaranty fund, recover their amount in any sale of the property, and reimburse the guaranty fund when the property is sold. (Ord. 88-25, 08-03-88)

4-12-26. Money received from assessments - Disposition - Investment.

Where the municipality levies any assessment for making and paying for any local improvements, all monies paid into the municipal treasury in payment of the assessment and interest on it shall be deemed to be part of and constitute a fund for the payment of the costs and expenses of making the local improvements and for the payment of interim warrants and special improvement bonds with interest on them issued against the special improvement district created to make the improvements and for no other purposes. The fund so created shall be held in the custody of the treasurer of the municipality, kept intact and separate from all other funds and monies of the municipality, and shall be paid out only for the purposes specified in this chapter. Any idle money in the fund may be invested appropriately by the treasurer, and any interest received from the same shall be paid into the fund exclusively and shall be used for the same purposes for which the fund was established. When all bonds or interim warrants or both have been paid or redeemed in full, any money remaining in the fund shall be transferred as provided in section 4-12-32. (Ord. 88-25, 08-03-88)

4-12-27. Special improvement bonds.

Fifteen days or more after the effective date of any ordinance levying an assessment in a special improvement district, the governing body of the municipality levying the assessment, by ordinance or resolution, may authorize the issuance of special improvement bonds to pay the costs of the improvements in the district against the funds created by the assessment. Special improvement bonds so authorized shall not exceed the unpaid balance of the assessments at the end of this 15-day period, shall be fully negotiable for all purposes, shall mature at such time or times not exceeding the period of time over which installments of the assessments are due and payable plus one year, shall bear interest at the lowest rate or rates obtainable, shall be payable at such place or places, shall be in such form and generally shall be issued and shall be sold in such manner and with such details as may be provided by ordinance or resolution. All these bonds shall be dated no earlier than the effective date of the ordinance levying the assessment. Except for special improvement bonds issued for lighting service or park maintenance purposes (which bonds shall bear interest only from the due date), interest shall be paid semiannually or annually as determined by the governing body and may be evidenced by interest coupons attached to the bonds. The governing body may provide that the bonds shall be callable for redemption prior to maturity and fix the terms and conditions of redemption, including the notice to be given and the premium, if any, to be paid; but no bonds shall be callable for redemption unless the terms and conditions of redemption are stated on the face of the bonds. The bonds shall be signed and may be countersigned by any officials of the municipality (including a member or members of the governing body) as the governing body of the municipality shall designate; and, if so provided by the governing body, the signatures of the bonds and interest coupons may be by facsimile signature except that at least one of the signatures on the face of the bonds shall be by manual signature. Bonds or interest coupons bearing the signatures (manual or facsimile) of officers in the office on the date of execution of same shall be valid and binding obligations notwithstanding that before the delivery of the bonds any or all of the persons whose signatures appear on them shall have ceased to be officers of the municipality. (Ord. 88-25, 08-03-88)

4-12-27.1. Refunding of special improvement bonds - Issuance - Payment - Security - Reduced payment obligations.

Special improvement bonds may be refunded, in whole or in part, at or in advance of their maturity, whether at stated maturity or upon redemption or declaration of maturity, at the option of the municipality, by the issuance of special improvement refunding bonds pursuant to resolution of the governing body under the authority of and in the manner provided by this chapter, Chapter 27, Title 11, the Utah Refunding Bond Act, Utah Code Annotated, as provided in Subsection (10), and upon compliance with the following:

(1) Special improvement refunding bonds shall:

(a) be payable solely from the same funds from which the prior bonds are payable;

(b) mature not later than the date of final maturity of the prior bonds;

(c) not mature or bear interest at any time in amounts which cannot be paid when due from the payments of the assessments and interest thereon, or the reduced payment obligations, as applicable, assuming that payments of these assessments, when due, together with the amounts of any prior payments or prepayments of these assessments, reduced payment obligations, and interest previously made and which remain available for payment of the special improvement refunding bonds; and

(d) bear interest payable semiannually or annually, as determined by the governing body.

(2) Special improvement refunding bonds may:

(a) be issued in bearer form with or without interest coupons attached, or in registered form in accordance with Chapter 7, Title 15, the Registered Public Obligations Act, Utah Code Annotated, as determined by the governing body;

(b)(i) be in a form and contain details consistent with this chapter, (ii) be payable at a place or places, (iii) be delivered in exchange for the prior bonds, or (iv) be sold in a manner, at terms, and with details consistent with this chapter, and at a price or prices above, at, or below par, as determined by the governing body.

(c) be callable for redemption prior to maturity upon terms, conditions, and notice, and premium, if any, to be paid, as the governing body determines, but no special improvement refunding bonds are callable for redemption unless the terms and conditions of redemption are stated on their face;

(d) be issued for the purpose of refunding one or more issues of prior bonds of the municipality and, if issued to refund two or more issues of prior bonds, be issued in a single series, to refund all of the issues of prior bonds to be refunded, or in two or more series to refund one or more of these issues of prior bonds.

(3) The governing body may provide for the payment of incidental refunding costs of the special improvement refunding bonds as follows:

(a) by advancing funds from the general or other funds of the municipality, if the governing body: (i) finds and determines that this advance of municipal funds is in the best interest of the municipality and its citizens, including, without limitation, the owners of property within the district, and (ii) provides that the assessments from which the prior bonds are payable and the interest payable thereon may not be reduced during such period as is necessary to provide funds from the payment of these assessments and interest thereon with which to reimburse the municipality for all funds so advanced by it for the payment of incidental refunding costs, together with interest thereon at a rate or rates equal to the interest rate or rates payable on these assessments;

(b) from any premium received from the sale of the special improvement refunding bonds;

(c) from any earnings on the investment of the proceeds of the special improvement refunding bonds pending their use to redeem the prior bonds;

(d) from any other sources legally available to the municipality for this purpose; or

(e) from any combination of Subsections (3)(a) through (d).

(4) Special improvement refunding bonds and any interest coupons attached to them shall be executed by the municipality by the manual or facsimile signature or signatures of any officials of the municipality, including a member of the governing body, as the governing body designates. Any signatures of such officials may be attested by the manual or facsimile signature of another official of the municipality, including a member of the governing body, as the governing body designates. In addition to these signatures, any special improvement refunding bond may include a certificate or certificates signed by the manual or facsimile signature or an authenticating agent, registrar, transfer agent, or the like. At least one signature of an authorized official or other persons required or permitted to be placed on the special improvement refunding bonds shall be a manual signature. Special improvement refunding bonds and interest coupons bearing the signatures, manual or facsimile, of officers in office on the date of execution of the bonds or coupons shall be valid and binding obligations even if before the delivery of the special improvement refunding bonds or interest coupons any or all of the persons whose signatures appear on them have ceased to be officers of the municipality.

(5) (a) Special improvement refunding bonds and the interest thereon shall be payable from and secured by the same assessments and interest thereon

from which the prior bonds were payable and were secured, as they may be reduced by the amending ordinance described in Subsection (8), and may be payable from and secured by the Special Improvement Guaranty Fund, and shall be payable from and secured by the Special Improvement Guaranty Fund if the prior bonds were payable from and secured by this fund.

(b) The governing body shall:

(i) adopt an ordinance amending the prior ordinance, as provided in Subsection (8); and

(ii) give notice of any reduced payment obligations to the owners of properties assessed in the prior ordinance, as provided in Subsection (9).

(c) Neither the amendment of the prior ordinance nor the issuance of special improvement refunding bonds shall affect the validity of, or, except for the amounts of any reductions to the original or prior assessments or interest thereon, the continued enforceability of the original or any other prior assessments or the interest thereon. Neither this amendment nor the issuance of the special improvement refunding bonds shall affect the validity of, or, except for the amounts of any reductions to the original or prior assessments or interest thereon, the enforceability or priority of the lien thereof on the properties upon which the assessments were levied. All these reductions to the original or prior assessments and the interest thereon shall continue to exist in favor of the special improvement refunding bonds. All these liens and priorities shall continue to exist against these properties to secure the payment of the reduced payment obligations and the special improvement refunding bonds in the same manner and to the same extent, except for the amounts of any reductions to the original or prior assessments or interest thereon, as the original and any other prior assessments, interest thereon, and the prior bonds were secured by the original assessments, interest thereon, and the original liens and priorities.

(d) It is the intent of the governing body that there be no impairment of the validity of, or, except with respect to the amounts of these reductions to the original or prior assessments or interest thereon, of the enforceability or priority of any of these assessments, interest thereon, or liens as a result of the amendment of the prior ordinance or the issuance of the special improvement refunding bonds.

(6) This lien securing any reduced payment obligations from which the special improvement refunding bonds are payable and secured shall be subordinate to the lien securing the original or prior assessments, interest thereon, and the prior bonds until the principal of, interest on, and redemption premium, if any, on the prior bonds are fully paid. Following this payment, this lien shall continue as provided in Section 4-12-23, as security for the payment of the reduced payment obligations, the penalties and costs of collection thereof, and the payment of the principal of, interest on, and redemption premium, if any, on the special improvement refunding bonds.

(7) Unless the principal of, interest on, and redemption premiums, if any, on the prior bonds are paid simultaneously with the issuance of the special improvement refunding bonds, the municipality shall irrevocably set aside the proceeds of the special improvement refunding bonds in an escrow or other separate account which shall be pledged as security for the payment of the principal of, interest on, and redemption premiums, if any, on the special improvement refunding bonds or the prior bonds, or both.

(8) The amending ordinance referred to in Subsection (5)(b)(i), shall comply with the following:

(a) Subject to the provisions of Subsection (3)(a), the amount by which the principal or interest, or both, payable on the special improvement refunding bonds is less than the amount of principal or interest, or both, payable on the prior bonds shall be applied to reduce the assessments levied by the prior ordinance or the interest payable on those assessments, or both, as determined by the governing body. Any reductions of the assessments levied by the prior ordinance or of interest payable on those assessments, or both, shall be made in such manner that the then unpaid assessments levied against each of the assessed properties and the unpaid interest on these assessments shall receive a proportionate share of the reductions. These reductions do not apply to assessments and interest thereon which have been paid.

(b) The amending ordinance shall state the amounts of the reduced payment obligations for each of the properties assessed in the prior ordinance. It is sufficient if the amending ordinance incorporates by reference a revised assessment list approved by the governing body which contains these reduced payment obligations.

(c) The amending ordinance need not describe each block, lot, part of block or lot, tract, or parcel of property assessed.

(d) The amending ordinance shall be published and shall be effective in accordance with Subsection 4-12-18(1) and, within five days after adopting the amending ordinance, the governing body shall file a copy thereof, together with a copy of the revised assessment list, if it is incorporated by reference in the amending ordinance, with the county recorder's office in the county where the assessed property is located, to be maintained by the county recorder with the public file of assessment ordinances and assessment lists as provided in Subsection 4-12-18(3).

(e) The amending ordinance shall state the date or dates on which any reductions in the assessments and the interest thereon levied in the prior ordinance will be effective. The date or dates may not be prior to the date when all of the principal of, interest on, and any redemption premiums on the prior bonds and any advances of funds made under Subsection (3)(a) are fully paid.

(9) The notice to owners of assessed properties of reductions in their assessments and interest payments, referred to in Subsection (5)(b)(ii): (a) shall identify the property subject to the assessment; (b) shall state the amount or amounts of the reduced payment obligations which will be payable from and after the applicable date stated in the amending ordinance; and (c) may contain any other information which the governing body deems appropriate.

(10) The notice referred to in Subsection (5)(b)(ii) shall be mailed, postage prepaid, not less than 21 days prior to the date the first payment of the reduced assessments becomes due:

(a) addressed to each owner of assessed property within the special improvement district in the names and at the addresses appearing on the final assessment filed with the county recorder pursuant to Section 4-12-18, or any revisions to this list made by the municipality; and

(b) addressed to "owner" at the street number of each piece of improved, assessed property. If a street number has not been assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the notice. This notice may be included with or in any other notices regarding the payment of assessments and interest thereon sent to the property owners in the district within the time and addressed as stated above. Neither the failure to give notice nor any defect in its content of the manner or time in which it is given shall affect the validity or enforceability of the amending ordinance or the special improvement refunding bonds or the validity, enforceability, or priority of the reduced payment obligations. Whether or not this notice is given, no other notice is required to be given to the owners of the assessed properties in connection with the issuance of the special improvement refunding bonds.

(11) To the extent it is not inconsistent with this chapter, Chapter 27, Title 11, the Utah Refunding Bond Act, Utah Code Annotated, shall apply to the issuance of special improvement refunding bonds. The provisions of this chapter relating to special improvement refunding bonds apply to all special improvement bonds issued and outstanding or which may hereafter be issued and outstanding. This chapter applies to all special improvement refunding bonds issued under this chapter even though the prior bonds which are refunded thereby were issued under any other law, including, without limitation, any law which has been repealed. (Ord. 88-25, 08-03-88)

4-12-28. Objection to assessment - Actions to enjoin levy or set aside proceedings.

(1) No assessment or proceeding in a special improvement district shall be declared void or set aside in whole or in part in consequence of any error or irregularity which does not go to the equity or justice of the assessment or proceeding. However, any party feeling aggrieved by an assessment or proceeding and who has not waived his objections thereto as provided in section 4-12-7 or 4-12-17 shall have the right to commence a civil action against the municipality to enjoin the levy or collection of the assessment or to set aside and declare unlawful the proceedings.

(2) Any such action must be commenced and summons must be served on the municipality not later than thirty days after the effective date of the ordinance levying assessments in the special improvement district. Such action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which the party was authorized to make but did not make in a protest filed pursuant to section 4-12-7 or at hearings held pursuant to section 4-12-17 or any complaint that does not go to the equity or justice of the assessment or proceeding.

(3) After the expiration of such thirty-day period:

(a) The special improvement bonds issued or to be issued against the district and the assessments levied in the district shall become incontestable as to all persons who have not commenced the action provided for in this section, and

(b) No suit to enjoin the issuance or payment of the bonds, the levy, collection or enforcement of the assessments or in any other manner attacking or questioning the legality of the bonds or assessments may be instituted in this state and no court shall have authority to inquire into such matters. (Ord. 88-25, 08-03-88)

4-12-29. Liability of municipality - Payment of bonds - Illegal assessments.

(1) Special improvement bonds are not a general obligation of the municipality. No municipality shall be held liable for the payment of any special improvement bond except to the extent of the funds created and received by assessments against which the bonds are issued and to the extent of its special improvement guaranty fund; but the municipality shall be held responsible for the lawful levy of all assessments, for the creation and maintenance of the special improvement guaranty fund as provided by law, and for faithful accounting, collection, settlement

and payment of the assessments and for the moneys of said fund.

(2) If any property shall be illegally assessed or any property which is by law exempt from assessment for local purposes shall be so assessed, the municipality so assessing such property shall be liable to the holders of special improvement bonds issued against the funds created by such assessments, which amount shall be paid from the general fund of the municipality. (Ord. 88-25, 08-03-88)

4-12-30. Total assessments greater than cost of improvements - Surplus to special improvement guaranty fund - Abandonment of improvement - Rebate to property owners.

Where an assessment is levied prior to the time all improvements in the district are entirely completed and accepted, and, on completion and acceptance, the total cost of the improvements for which assessments were levied is less than the total amount of the assessments, the surplus shall be placed in the special improvement guaranty fund. If special improvement bonds have been issued by the district prior to the time the surplus is determined, the surplus shall be held in the guaranty fund and used for payment of the bonds and interest and any penalties and costs. If an improvement project is abandoned after assessments have been levied but before the improvements have been started, the full amount of the assessments levied, less any damages or costs related to the abandonment, shall be rebated to the property owner at the time the rebate is made of the property assessed at the last known address of the owner, using for this purpose the names and addressed appearing on the last completed real property assessment rolls of the county in which the property is located. If an improvement project is abandoned prior to its completion and acceptance but after assessments have been levied, the amount of the assessments in excess of that required to pay for the improvements to the point of abandonment or termination including any costs and damages, shall be rebated as provided in this section. (Ord. 88-25, 08-03-88)

4-12-31. Special Improvement Guaranty Fund - Sources - Uses - Investment - Special improvement refunding bonds.

(1) Any municipality which has issued or may subsequently issue any special improvement bonds or special improvement refunding bonds, by appropriation from the general fund or by the levy of a tax of not to exceed .0002 in any one year or by the issuance of general obligation bonds or by appropriation from such other sources as may be determined by the governing body, shall create a fund for the purpose of guaranteeing, to the extent of this fund, the payment of special improvement bonds and special improvement refunding bonds and interest accruing on them issued against special improvement districts fort the payment of improvements made in the district. This fund shall be designated as the "Special Improvement Guaranty Fund."

(2) The municipality may lawfully covenant for the benefit of the holders of special improvement bonds and special improvement refunding bonds that so long as the bonds and special improvement refunding bonds are outstanding and unpaid:

(a) it will create the fund;

(b) it will, by any of the methods authorized by this section, provide amounts to be transferred to the fund equal each year to such amount as a tax levy of .0002 will produce until the fund is equal to not less than 25% of the amount of all outstanding special improvement bonds and special improvement refunding bonds of all special improvement districts of the municipality, and subsequently, it will transfer to the fund such amounts at least yearly as may be required to maintain or replenish the fund to this percentage; and

(c) the funds on deposit in the guaranty fund shall be invested either in:

(i) demand deposits and time certificates of deposits of federally insured depositories of the state;

(ii) bonds or other evidence or indebtedness of the United States of America or any of its agencies or instrumentalities when these obligations are guaranteed as to principal and interest by the United States of America; or

(iii) repurchase agreements with any federally insured bank or savings and loan association in the state, acting as principal or agent, for securities of the United States of America or other evidences of indebtedness of like quality.

(3) For the purposes of Subsection (2)(b), special improvement refunding bonds are not deemed to be outstanding until the principal of, interest, and any redemption premiums on the special improvement bonds which are refunded by the special improvement refunding bonds are fully paid. (Ord. 88-25, 08-03-88)

4-12-32. Interest charges, penalties and other collections greater than expenses - Excess transferred to guaranty fund.

All interest money collected or interest received from the investment of the improvement or bond fund, penalties, costs, and other amounts collected by the municipality for the benefit and credit of any special improvement fund and remaining on hand after all special improvement bonds or interim warrants, together with interest on them, drawn against a special

improvement fund shall have been fully paid and canceled, shall be transferred by the treasurer of the municipality to the special improvement guaranty fund. (Ord. 88-25, 08-03-88)

4-12-33. Special improvement fund insufficient to pay bond - Payment by warrant against guaranty fund.

When any special improvement bond drawn against any special improvement fund is presented to the municipality for payment and there is not a sufficient amount in the special improvement fund to pay the same, payment therefor shall be made by warrant drawn against the special improvement guaranty fund. (Ord. 88-25, 08-03-88)

4-12-34. Purchase by municipality of property sold for delinquent assessments - Assessment installments paid from guaranty fund - Reimbursement of guaranty fund from sale proceeds.

In the event any property is sold to the municipality at final tax sale conducted to collect delinquent property taxes or delinquent assessments levied under this chapter, the municipality shall, for as long as the municipality retains ownership of the property so sold, pay all annual assessment installments that become due, including the interest on them. The payments shall be made out of the guaranty fund and paid into the special improvement district fund of the district where the property is located. If the municipality sells the property it has received from final tax sale by installments or otherwise, the purchase price for it shall not be less than an amount sufficient to reimburse the guaranty fund for all amounts paid out of the fund on behalf of this property for delinquent assessments or parts or installment of them, plus interest, penalties, and costs. The sales price of the property and any interest on it paid in installments shall be paid into the guaranty fund to the extent of the full reimbursement as required in this section. This section shall be read and interpreted in conjunction with sections 1-16-24 and 1-16-25. (Ord. 88-25, 08-03-88)

4-12-35. Payment on bonds from guaranty fund - Municipality subrogated to right of holders.

Whenever a municipality shall have paid under its guaranty any sum on account of principal or interest on the special improvement bonds of any special improvement district, it shall be subrogated to the rights of the holders of such bonds or interest coupons so paid, and such bonds or coupons and the proceeds thereof shall become a part of the special improvement guaranty fund. (Ord. 88-25, 08-03-88)

4-12-36. Insufficient balance in guaranty fund - Replenishment by municipality - Warrants - Increase in annual tax levy.

Whenever there is not a sufficient amount of cash in the Special Improvement Guaranty Fund at any time to make all purchases of property bid on by the municipality at sales of property for delinquent assessments, the governing body may replenish this fund by transfer or appropriation from the General Fund of the municipality or from other available sources as may be determined by it. Warrants drawing interest at the rate or rates determined by the governing body may be issued against the fund to meet any financial liabilities accruing against it, but at the time of making its next annual tax levy, the municipality shall provide for the levy of a sum sufficient, with other resources of the fund, to pay warrants so issued and outstanding, the tax for such purpose not to exceed .0002 in any one year. (Ord. 88-25, 08-03-88)

4-12-37. Excess amount in guaranty fund - Transfers to General Fund - Special improvement refunding bonds.

Whenever the amount in the special improvement guaranty fund exceeds 25% of the average amount of all special improvement bonds and special improvement districts of the municipality outstanding during the preceding three-year period, the governing body of the municipality may by resolution transfer all amounts in excess of this percentage to the general fund of the municipality, except that the transfer may not be made if the amount in the guaranty fund is less than 25% of the amount of all special improvement bonds and special improvement refunding bonds of all special improvement districts of the municipality which are outstanding at the time of the proposed transfer. For the purpose of this section, special improvement refunding bonds are not deemed to be outstanding until the principal of, interest, and any redemption premiums on the special improvement bonds which are refunded by the special improvement refunding bonds are fully paid. (Ord. 88-25, 08-03-88)

4-12-38. Municipality's right to make other improvements not restricted - Authority not affected by other laws.

This act is intended to afford an alternative method for the making of improvements by Tooele City, the creation of special improvement districts, the levy of assessments and the issuance of special improvement bonds by Tooele City and shall not be so construed as to deprive Tooele City of the right to make improvements, create special improvement districts, levy assessments or other special taxes or issue special improvement bonds under authority of any other law of this state now in effect or hereafter enacted, but nevertheless this act shall constitute full

authority for the making of improvements, creation of special improvement districts, levy of assessments and issuance of special improvement bonds by Tooele City. No act hereafter passed by the legislature amending other acts relating to the same subject matter as covered by this act shall be construed to affect the authority to proceed under this act in the manner herein provided unless such future statute amends this act and specifically provides that it is to be applicable to proceedings taken and to special improvement bonds issued under this act. (Ord. 88-25, 08-03-88)

4-12-39. Proceedings prior to act validated - Exceptions.

All special improvement bonds issued by Tooele City prior to the effective date of this act and all proceedings had in the authorization and issuance thereof and all proceedings taken prior to or in connection with the levy of assessments out of which such bonds are payable or in the creation, maintenance and use of the special improvement guaranty fund of the municipality issuing such bonds are hereby validated, ratified and confirmed and all such special improvement bonds are declared to constitute legally binding obligations in accordance with their terms and all such assessments are declared to be legal and valid assessments. Nothing in this section shall be construed to affect or validate any bonds, assessments or special improvement guaranty fund, the legality of which is being contested at the time this act takes effect. This act shall apply to all assessments levied and to all special improvement bonds and interim warrants issued after this act takes effect even though proceedings prior to the levy or issue were taken under the provisions of a law repealed by this act and all of such proceedings are validated, ratified and confirmed subject to question only as provided in section 4-12-28. (Ord. 88-25, 08-03-88)

CHAPTER 13. FLOOD DAMAGE PREVENTION ORDINANCE

4-13-1. Statutory authorization, Findings of Fact, Purpose, and Methods.
4-13-2. Definitions.
4-13-3. General provisions.
4-13-4. Administration.
4-13-5. Provisions for flood hazard reduction.
4-13-6. Penalties for Noncompliance.

4-13-1. Statutory Authorization, Findings of Fact, Purpose and Methods.

(1) The Legislature of the State of Utah has by statute delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Tooele City, Utah, does ordain as follows:

(2) (a) The flood hazard areas of Tooele City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood loses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(3) It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;

(b) Minimize expenditure of public money for costly flood control projects; (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(f) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(g) Insure that potential buyers are notified that property is in a flood area.

(4) In order to accomplish its purposes, this ordinance uses the following methods:

(a) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging and other development which may increase flood damage;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
(Ord. 2009-08, 09-16-09); (Ord. 89-21, 09-27-89)

4-13-2 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(1) “Alluvial fan flooding” means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(2) “Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(3) “Area of shallow flooding” means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(4) “Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

(5) “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

(6) “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

(7) “Critical Feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(8) “Development” means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations

or storage of equipment or materials. “Elevated building” means a non-basement building

(a) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and

(b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

(10) “Existing construction” means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(11) “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(12) “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(13) “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters.

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

(14) “Flood insurance rate map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(15) Flood insurance study” is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

(16) “Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of flooding).

(17) “Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(18) “Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(19) “Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(20) “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(21) “Floodway (regulatory floodway)” means 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 a designated height.

(22) “Functionally dependant use” means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(23) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(24) “Historic structure” means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the

Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(i) by an approved state program as determined by the Secretary of the Interior or;

(ii) directly by the Secretary of the Interior in states without approved programs.

(25) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(26) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(27) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

(28) "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(29) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(30) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(31) "New construction" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(32) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(33) "Recreational vehicle" means a vehicle, which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projections;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(34) "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(35) "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(36) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(37) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This

includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(38) "Variance" is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program (NFIP) regulations.).

(39) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(40) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 2009-08, 09-16-09); (Ord. 89-21, 09-27-89)

4-13-3 General Provisions.

(1) The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Tooele City.

(2) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Tooele," dated November 18, 2009, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

(3) A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

(4) No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

(5) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail

(6) In the interpretation and application of this ordinance, all provisions shall be:

(a) considered as minimum requirements;

(b) liberally construed in favor of the governing body; and,

(c) deemed neither to limit nor repeal any other powers granted under State statutes.

(7) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

(8)This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. 2009-08, 09-16-09); (Ord. 89-21, 09-27-89)

4-13-4 Administration.

(1) The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(2) Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(a) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(b) Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.

(c) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(e) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(f) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the State of Utah National Flood Insurance Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(h) When base flood elevation data has not been provided in accordance with Section 4-13-3(2), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 4-13-5.

(i) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(j) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

(3) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 4-13-5(2)(b);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(e) Maintain a record of all such information in accordance with Section 4-13-4(2)(a).

(4) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(j) The relationship of the proposed use to the comprehensive plan for that area.

(5) (a) The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

(b) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic places, without regard to the procedures set forth in the remainder of this ordinance.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 4-13-4(3)(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Section 4-13-1(3)).

(h) Variances shall not be issued within any

designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(i) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(ii) Variances shall only be issued upon:

(A) showing a good and sufficient cause;

(B) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(C) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(iii) Any application for which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) the criteria outlined in Sections 4-13-4(4)(a-i) are met, and

(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 2009-08, 09-16-09); (Ord. 89-21, 09-27-89)

4-13-5. Provisions for flood hazard reduction.

(1) In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(g) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(2) In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4-13-3(2), Section 4-13-4(2)(h), or Section 4-13-5(3)(c), the following provisions are required:

(a) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 4-13-3(3)(a)(i), is satisfied.

(b) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor
(including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(c) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or

architect or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured Homes –

(i) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(ii) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(A) outside of a manufactured home park or subdivision,

(B) in a new manufactured home park or subdivision,,

(C) in an expansion to an existing manufactured home park or subdivision, or

(D) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(iii) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(A) the lowest floor of the manufactured home is at or above the base flood elevation, or

(B) the manufactured home chassis supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(e) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

(i) be on the site for fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet the permit requirements of Section 4-13-4(3)(a), and the elevation and anchoring requirements for manufactured homes" in paragraph (d) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(3) (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 4-13-1(2), (3), and (4) of this ordinance.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Section 4-13-3(3); Section 4-13-4(3); and the provisions of Section 4-13-5 of this ordinance.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions. Or which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 4-13-3(2) or Section 4-13-4(2)(h) of this ordinance.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(4) Located within the areas of special flood hazard established in Section 4-13-3(2), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(a) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(b) All new construction and substantial improvements of **non-residential** structures;

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and

sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(c) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 4-13-4(3)(a)(i), are satisfied.

(d) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(5) Floodways - located within areas of special flood hazard established in Section 4-13-3(2), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) If Section 4-13-5(5)(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 4-13-5.

(c) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

4-13-6. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a class B misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $1000 or imprisoned for not more than 180 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Tooele from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2009-08, 09-16-09); (Ord. 89-23, 11-15-89); (Ord. 89-21, 09-27-89)

CHAPTER 14. ABATEMENT OF DANGEROUS BUILDINGS

4-14-1. "Uniform Code for the Abatement of Dangerous Buildings" Adopted.
4-14-2. Definitions.
4-14-3. Repealed.
4-14-4. Appeals.
4-14-5. Appeal Procedures.
4-14-6. Repair and Demolition Fund. (Repealed.)
4-14-7. Contest. (Repealed.)
4-14-8. Conditional Permit to Secure.
4-14-9. Permit Expiration or Termination.
4-14-10. Effect of Recording.
4-14-11. Permit Appeal.
4-14-12. Method of Securing Buildings.
4-14-13. Property Maintenance Responsibilities.
4-14-14. Recovery of Fees and Costs.

4-14-1. "Uniform Code for the Abatement of Dangerous Buildings" Adopted.

(1) The "Uniform Code for the Abatement of Dangerous Buildings" (hereinafter "UCADB"), 1997 edition, published by the International Conference of Building Officials, is hereby adopted as a code of Tooele City, subject to the amendments and exceptions thereto set out in this Chapter. Each and all of the regulations, provisions, conditions and terms of the UCADB, subject to the amendments and exceptions thereto as set out in this Chapter, are hereby referred to, adopted, and made a part hereof as if fully set out herein.

(2) The purpose of this Chapter is to provide a just, equitable, and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, and/or demolished.

(3) The remedies declared in this Chapter are cumulative with and in addition to any other remedy provided by the uniform codes adopted by the City.

(Ord. 2019-32, 12-04-2019) (Ord. 1998-42, 11-18-1998) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-2. Definitions.

As used in the UCADB:

(1) "Legislative body" means the Tooele City Council unless specifically stated otherwise.

(2) "Director of public works" means the Building Official.

(3) "Clerk of this jurisdiction" means the City Recorder.

(4) "Treasurer of this jurisdiction" means the City Treasurer.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-3. Repealed. (Ord. 1998-42, 11-18-1998).

(Ord. 1994-20, 05-12-1994)

4-14-4. Appeals.

All references in the UCADB to the “board of appeals” shall be amended to reference the Administrative Hearing Officer under Chapter 1-28 of this Code. (Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-5. Appeal Procedures.

Procedures for the conduct of appeals shall be those set forth in Chapter 1-28 of this Code.

(Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-6. Repair and Demolition Fund. (Repealed.)

(Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-7. Contest. (Repealed.)

(Ord. 2019-32, 12-04-2019) (Ord. 1995-06, 05-19-1995) (Ord. 1994-20, 05-12-1994)

4-14-8. Conditional Permit to Secure.

(1) An application for a conditional permit to secure a building for temporary nonoccupancy may be made by the owner of the building who has received from the building official a notice of deficiencies and order to repair or demolish pursuant to the UCADB. The application must be made within 30 days of service of the notice and order and must be accompanied with a declaration of intent concerning the plans, use, and anticipated disposition of the building, together with a specific date for the commencement of the work to be performed under the permit, as well as the permit fee. The issuance by the building official of a conditional permit to secure shall act as a temporary stay of the notice and order until the permit expires or is terminated or cancelled.

(2) Unless provided otherwise, securing authorized under a conditional permit to secure shall be commenced within seven days of its issuance. The permit will expire if the work is not completed within 15 days of its issuance.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-9. Permit Expiration or Termination.

(1) Failure of the owner to pay required permit fees, obtain a permit, commence or complete work as ordered, or to correct securing deficiencies as required in this Chapter will result in the termination and cancellation of the conditional permit to secure. Notice of the expiration or termination shall be delivered personally or by certified mail and shall be effective five days thereafter unless any deficiencies are corrected and the building official reinstates this permit. The permit is not transferable and will terminate upon the

owner's transfer of the property.

(2) If a conditional permit to secure expires or terminates, the preexisting notice and order will be automatically reinstated. The building official may proceed for abatement of a building by repair, demolition, or securing of the building, with the abatement costs together with any unpaid permit fees to be charged to the owner or levied against the property pursuant to the UCADB.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-10. Effect of Recording.

The action of the building official in ordering the approval or denial of a conditional permit to secure shall be recorded against the property in the Tooele County recorder's office and shall constitute notice to the public, including future bona fide purchasers, that the building and property violate code requirements and are the subject of an outstanding notice and order for noncompliance which has temporarily been stayed pursuant to a nontransferable conditional permit to secure. A notice of expiration or cancellation shall also be recorded after expiration becomes final indicating the stay is vacated and the order is reinstated. Such findings shall specify that the permit is nontransferable and shall terminate upon any transfer of the owner's interest in the property.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-11. Permit Appeal.

(1) Any aggrieved property owner or other interested party may appeal the building official's decision regarding a conditional permit by filing an appeal to the Administrative Hearing Officer pursuant to Chapter 1-28 of this Code within 10 days of the decision being appealed.

(2) Any party which fails to appeal as provided herein shall be deemed to have waived such appeal right.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-12. Method of Securing Buildings.

All buildings to be temporarily secured shall be boarded as follows:

(1) All openings in the structure on the ground floor or easily accessible from the ground floor shall be secured either by erecting a single one-half-inch-thick layer of plywood sheathing covering over all exterior openings, overlapping the opening on every edge by no more than three inches, anchored along the edges by eight-penny or larger common nails or equivalent screws spaced no more than every six inches.

(2) Alternately, the openings may be secured by conventional wood-frame construction. The frames shall use wood studs of a size not less than two inches by four inches placed not more than 24 inches apart on center. The frame stud shall have the four-inch sides or the wide dimension perpendicular to the face of the wall. Each side of the frame shall be covered with plywood sheathing of at least one-half inch thickness or equivalent lumber nailed over the opening by using eight-penny common nails or equivalent screws spaced no more than every six inches on the outside edges and no more than every twelve inches along intermediate stud supports.

(3) All coverings shall be painted the same color as the building or its trim. Whole glass areas above ground floor are acceptable so long as they remain intact, but if broken, they must be covered as provided in Subsections (1) or (2). Exterior doors shall be secured by a strong non-glass door adequately locked to preclude entry of unauthorized persons, or shall be covered as an opening described in Subsections (1) or (2).

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-13. Property Maintenance Responsibilities.

(1) Buildings and property under the purview of the UCADB shall be properly maintained and secured by their owner, who shall keep the property free from debris, litter, and weeds.

(2) The building official will cause a bimonthly inspection to insure such buildings remain properly secured and maintained. If the owner fails to timely obtain a conditional permit to secure, or comply to with any terms hereof, the owner shall receive a warning by telephone and also, if possible, a written confirmation of the warning from the building official. The owner shall commence action to correct the deficiency within five days of such notice or other appropriate time as designated by the building official, or the permit shall be cancelled by the building official.

(Ord. 2019-32, 12-04-2019) (Ord. 1994-20, 05-12-1994)

4-14-14. Recover of Fees and Costs.

(1) Chapter 9 of the UDBAC shall be replaced with this Section.

(2) Consistent with the provisions and procedures of U.C.A. 10-11-3 and -4, as amended, and after any established deadlines for the payment of abatement-related fees and costs have passed, the officer may file and record with the Tooele County Recorder and Treasurer a building abatement tax lien and an itemized statement of all such fees and costs.

(3) Upon full payment of all amounts owing under a building abatement tax lien, or upon the entry of an order from the Administrative Hearing Office or a Utah Court declaring the lien amount satisfied, the City shall file and record an appropriate notice of satisfaction and/or release of lien.

(4) The City may pursue all lawful means to recover all penalties, fees, and costs imposed or incurred pursuant to this Chapter.

(Ord. 2019-32, 12-04-2019)

Chapter 15. Development Impact Fees

4-15-1 Definitions.
4-15-2 Assessment of Impact Fees.
4-15-3 Exemption from Impact Fees.
4-15-4 Credits.
4-15-5 Waiver.
4-15-6 Appeals.
4-15-7 Establishment of Impact Fees Accounts.
4-15-8 Refunds.
4-15-9 Use of Funds.
4-15-10 Independent Fee Calculations.

4-15-1 Definitions.

(1) Except as expressly provided in this Section, words and phrases used in this Chapter shall have the meaning given to them in U.C.A. 11-36a-102, as amended (the "Impact Fees Act").

(2) "Eligible affordable housing units" means

(a) Single-family and two-family dwellings that are:

(i) constructed, rented, and sold in partnership with the Tooele County Housing Authority (the "Authority"); and,

(ii) deed restricted, on a form approved by the City Attorney, in such a manner that:

(A) dwellings are available for purchase or rent-to-own only by those purchasers or tenants whose combined household annual gross income per dwelling is verified by an Authority to be 60% or less of the Tooele County area median income;

(B) dwellings are rent-restricted according to a formula established by an Authority based in part on numbers of dwelling unit bedrooms and on tenant incomes;

(C) dwellings are subject to a compliance period of at least 15 years as part of an extended use period of at least 50 years;

(D) dwellings are maintained in good condition;

(E) dwellings are fully insured for hazards and liability;

(F) requires compliance with the terms and covenants of the deed restriction; and,

(G) requires compliance with Section 42 of the Internal Revenue Code, as amended.

(b) Multi-family dwellings that:

(i) are constructed and rented in partnership with an Authority; and,

(ii) are deed restricted, on a form approved by the City Attorney, in such a manner that:

(A) dwellings are available for rent only by tenants whose combined household annual gross income per unit is verified by the Authority to be 60% or less of the Tooele County area median income; and,

(B) dwellings comply with the requirements of subsection (2)(a)(ii)(B)-(G), above.

3. "Eligible public facility" means a structure that is owned or leased by the state of Utah, the Tooele County school district, a charter school, Tooele County, Tooele City, the Tooele City municipal building authority, the Tooele City redevelopment agency, or other similar entity conducting development activity with a broad public purpose.

(Ord. 2019-30, 11-20-2019) (Ord. 2012-02, 03-07-2012) (Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-2 Assessment of Impact Fees.

(1) Assessment of Impact Fees.

(a) Culinary Water Impact Fee.

(i) The City shall collect a culinary water impact fee from any applicant seeking a building permit, in the amount of $7,805 per Equivalent Residential Connection (ERC), as defined in the Drinking Water System Master Plan (2021).

(ii) The service area for purposes of the culinary water impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's culinary water system. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard culinary water impact fee is contained in the combined Culinary Water Facilities Impact Fee Facilities Plan and Impact Fee Analysis (2022).

(b) Sanitary Sewer Impact Fee.

(i) The City shall collect a sanitary sewer impact fee from any applicant seeking a building permit, as follows: $4,731 per Equivalent Residential Unit (ERU), as defined in the 2023 Wastewater Impact Fee Facilities Plan and Impact Fee Analysis.

(ii) The service area for purposes of the sanitary sewer impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's waste water system. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard sanitary sewer impact fee is contained on

page 14 of the 2023 Wastewater Impact Fee Facilities Plan and Impact Fee Analysis.

(c) Parks and Recreation Impact Fee.

(i) The City shall collect a parks and recreation impact fee from any applicant seeking a building permit for a new dwelling unit, as follows:

(A) Single-Family Residential: $3,194 per dwelling unit. For purposes of this Section, Single-Family Residential includes detached single-family units and attached single-family units, including townhouses, condominiums, and duplexes.

(B) Multi-Family Residential: $2,252 per dwelling unit. For purposes of this Section, Multi-Family Residential means apartment buildings with three or more units per building.

(ii) The service area for purposes of the park and special purpose recreation facilities impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(d) Public Safety Impact Fee: Fire.

(i) The City shall collect a public safety-fire impact fee from any applicant seeking a building permit for a new building, as follows:

(A) Residential, single-family: $255.90 per dwelling unit.

(B) Residential, multi-family: $188.80 per dwelling unit.

(C) Commercial: $187.40 per 1,000 square-feet of building.

(D) Industrial: $111.40 per 1,000 square-feet of building.

(ii) The service area for purposes of the public safety-fire impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety fire facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-fire impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

(e) Public Safety Impact Fee: Police.

(i) The City shall collect a public safety-police impact fee from any applicant seeking a building permit for a new building, as follows:

(A) Residential, single-family: $216.90 per dwelling unit.

(B) Residential, multi-family: $221.00 per dwelling unit.

(C) Commercial: $164.70 per 1,000 square-feet of building.

(D) Industrial: $17.40 per 1,000 square-feet of building.

(ii) The service area for purposes of the public safety-police impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety police facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-police impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

(2) Collection. Impact fees shall be collected from the applicant prior to issuing the building permit, using the impact fee in effect on the date of filing a complete application for the building permit.

(3) Adjustment of impact fees. Impact fees may be adjusted at the time the fees are charged, as follows:

(a) to ensure that the impact fees are imposed fairly;

(b) to respond to

(i) unusual circumstances in specific cases; or,

(ii) 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,

(c) if the Building Official determines that a user would create a greater than normal impact on any system improvement.

(4) Existing Buildings.

(a) Where a building alteration or change of use requires a new building permit or a new occupancy permit, and the building alteration or change of use is anticipated to result in increased impacts to City systems and facilities, the applicant shall pay, as a condition of permit approval, additional impact fees corresponding to the increased impacts.

(b) Where a building or use of a building incorporates technologies or processes designed to decrease impacts to City systems and facilities, and those technologies or processes fail or cease to be used, for any reason or to any degree, the City may assess additional impact fees corresponding to the increased impacts resulting from such failure or cessation of use. Such fees shall be invoiced to the building water account through the regular monthly city water bill.

(c) Should any developer undertake development activities such that the ultimate density, intensity, or other impact of the development activity is

not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density or intensity within the development, the City shall be entitled to assess an additional impact fee to the development or other appropriate person covering the density or intensity for which an impact fee was not previously paid. Such fees shall be invoiced to the development water account through the regular monthly city water bill.

(d) The Building Official shall determine the extent to which the payment of additional impact fees is required.

(Ord. 2023-18, 05-03-2023) (Ord. 2022-12, 04-06-2022) (Ord. 2020-31, 07-15-2020) (Ord. 2012-02, 03-07-2012) (Ord. 2010-04, 02-17-2010) (Ord. 2007-10, 03-21-2007) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1999-36, 12-16-1999) (Ord. 1999-10, 4-21-1999) (Ord. 1996-16, 11-20-1996) (Ord. 1996-15, 06-05-1996)

4-15-3 Exemptions from Impact Fees.

(1) The following development activities shall be exempt from the payment of all or a portion of the impact fees:

(a) Replacement of a primary structure with a new primary structure of the same use at the same site or lot when such replacement:

(i) does not result in the construction of an additional dwelling unit or a change in use; and,

(ii) does not increase the demand for municipal services or the impact upon system improvements.

(b) Alterations to, or expansion, enlargement, remodeling, rehabilitation, or conversion of, an existing primary structure that does not increase the demand for municipal services or the impact upon system improvements.

(2) The Building Official shall determine whether a particular structure falls within an exemption identified in this Section or any other section. The Building Official shall issue a written determination, stating the basis for the exemption, and which shall be subject to the appeals procedures set forth herein.

(Ord. 2015-16, June 3, 2015) (Ord. 2012-02, 03-07-2012) (Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-4 Credits.

(1) A developer may be allowed a credit against impact fees for any dedication of or improvement to land or new construction of system improvements provided by the developer, provided that they are (i) identified in the applicable capital facilities plan, (ii) offset the need for a system improvement, and (iii) required by the City as a condition of approving the development activity. Otherwise, no credit may be given.

(2) For each request for a credit, unless otherwise agreed by the City, the fee payer shall retain an appraiser approved by the Building Official to determine the value of the land or construction dedicated.

(3) The fee payer shall pay the cost of the appraisal.

(4) After receiving the appraisal, the Building Official shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the land donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating the applicant's agreement to the terms of the letter or certificate, and return such signed document to the Building Official before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 30 days shall nullify the credit.

(5) Any claim for a credit must be made not later than the time of application for building permit. Any claim not so made shall be deemed waived.

(6) Determinations made by the Building Official pursuant to this section shall be subject to the appeals procedure set forth herein.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-5 Waiver.

(1) The City Council may, but is not required to, waive the imposition of impact fees for:

(a) Construction of eligible affordable housing units (up to $10,000 per dwelling unit); or,

(b) Construction of an eligible public facility.

(2) Upon allowing a full or partial waiver under this Section for an eligible public facility, the City Council shall establish one or more sources of funds other than impact fees to pay the amount of impact fees waived for that facility.

(Ord. 2019-30, 11-20-2019) (Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 96-15, 06-05-96)

4-15-6 Appeals.

(1) A fee payer may appeal the impact fees imposed or other determinations which the Building Official is authorized to make pursuant to this Chapter. However, no appeal shall be permitted unless and until the impact fees at issue have been paid.

(2) Appeals shall be taken within the time constraints identified in U.C.A. Section 11-36a-702, as amended. Appellants shall specify the grounds for the appeal, and deposit the necessary appeal fee, which is set forth in the Tooele City Fee Schedule for appeals of land use decisions.

(3) Appeals shall be filed with the City Recorder. The City Recorder shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the

hearing, any party may appear in person or by agent or attorney.

(4) The City Council, or such other body as the City Council shall designate, shall make a decision within 30 days after the appeal is filed. The City Council shall make findings of fact regarding the applicability of the impact fees to a given development activity. The decision of the City Council shall be final, and may be appealed to the Third Judicial District Court for Tooele County.

(5) Certain impact fee payers may request mediation or arbitration under the state Impact Fees Act, U.C.A. 11-36-101 *et. seq*., as amended.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-7 Establishment of Impact Fees Accounts.

(1) The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this Section.

(2) At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned, and received by the fund or account and each expenditure from the fund or account.

(3) The City may expend Impact Fees only for system improvements that are (i) public facilities identified in the City's capital facilities plans, and (ii) of the specific public facility type for which the fee was collected. Impact fees will be expended on a first-in first-out basis.

(4) Impact Fees collected pursuant to the requirements of this Ordinance are to be expended, dedicated, or encumbered for a permissible use within six (6) years of the receipt of those funds by the City, except as provided in Subsection (5).

(5) The City may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six years, and (ii) an absolute date by which the fees will be expended.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-8 Refunds.

(1) If the City fails to disburse, expend, or encumber the impact fees within 6 years of when the fees were paid, or such other time periods as justified by an extraordinary or compelling reason, the person who paid the impact fees may request a refund of such fees. In determining whether impact fees have been disbursed, expended, or encumbered, such fees shall be considered disbursed, expended, or encumbered on a first-in, first-out basis.

(2) Persons seeking a refund of impact fees must submit a written request for a refund of the fees to the Building Official within 120 days of the date that the right to claim the refund arises.

(3) Any impact fees for which no application for a refund has been made within this 120 day period shall be retained by the City and expended on the type of public facilities for which they were collected.

(4) Refunds of impact fees under this section shall include any interest earned on the impact fees.

(5) When the City seeks to terminate any or all components of an impact fee program, any funds not disbursed, expended, or encumbered from any terminated component or components, including interest earned shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination, and the availability of refunds, in a newspaper of general circulation at least 2 times. All funds available for refund shall be retained for a period of 120 days. At the end of the 120 day period, any remaining funds shall be retained by the City, but must be expended on the type of public facilities for which they were collected.

(6) The City shall refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees attributable to the particular development activity, within 1 year of the date that a right to claim the refund arises, if (i) the development activity for which the impact fees were imposed did not occur, (ii) no impact resulted, (iii) the impact fees have not been spent or encumbered, and (iv) the owner makes written request for a refund within 120 days of the expiration or abandonment of the permit for development activity.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-9 Use of Funds.

(1) Pursuant to this Chapter, impact fees:

(a) shall be used for public facilities that reasonably benefit the new development;

(b) shall not be imposed to make up for deficiencies in public facilities serving existing developments; and,

(c) shall not be used for maintenance or operation of public facilities.

(2) Impact fees may be used to recoup costs of designing, constructing, and acquiring public facilities in anticipation of new growth and development to the extent that the development activity will be served by the previously-constructed improvements or the previously-incurred costs. Impact fees may used for environmental mitigation.

(3) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public facilities for which impact fees may be

expended, impact fees may be used to pay debt service on such bonds, or similar debt instruments, to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the development activity.
(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-10 Independent Fee Calculations.

(1) If a fee payer believes that a fee should be charged, different than the impact fees determined according to this Chapter, then the fee payer may prepare and submit to the Building Official an independent fee calculation for the impact fees associated with the development activity for which a Building Permit is sought. The documentation submitted shall contain studies and data showing the basis upon which the independent fee calculation was made. The Building Official is not required to accept any documentation which the Building Official reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Building Official's consideration of an independent fee calculation.

(2) Any fee payer submitting an independent fee calculation shall pay an administrative processing fee, per calculation, of $100.

(3) Based on the information within the Building Official's possession, the Building Official may recommend, and the Mayor is authorized to adjust, the impact fee to the specific characteristics of the development activity, and according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(4) Determinations made by the Building Official pursuant to this section may be appealed subject to the procedures set forth herein.
(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

CHAPTER 16. UNIFORM ADMINISTRATIVE CODE.

4-16-1. Uniform Administrative Code adopted.

The "Uniform Administrative Code," 1994 Edition, copyrighted by the International Conference of Building Officials, is hereby adopted by reference in its entirety, save and except such portions as are repealed, modified, or amended by this Tooele City Code. (Ord. 95-07, 05-19-95); (Ord. 94-35, 05-24-94); (Ord. 94-45, 08-09-94)

4-16-2. Penalties.

Any person, firm or corporation violating any provision of the Uniform Administrative Code shall be deemed guilty of a class C misdemeanor and shall be subject to a fine under Section 76-3-301, Utah Code Annotated, or by imprisonment in the Tooele county Jail for a period not exceeding 90 days, or by both such fine and imprisonment." (Ord. 94-35, 05-24-94); (Ord. 94-45, 08-09-94)

CHAPTER 17. APWA MANUAL OF STANDARD SPECIFICATIONS AND MANUAL OF STANDARD PLANS ADOPTED

4-17-1. APWA Manual of Standard Specifications and Manual of Standard Plans Adopted.
4-17-2. Construction of Public Improvements.
4-17-3. Enforcement.
4-17-4. Civil Penalties.
4-17-5. Appeals.

4-17-1. APWA Manual of Standard Specifications and Manual of Standard Plans adopted.

Tooele City recognizes that the Utah City Engineers Association endorses adoption of the American Public Works Association Manual of Standard Specifications and Manual of Standard Plans (hereinafter "APWA Standards"), as amended and/or revised. To the extent that Tooele City is not preempted by the law of the State of Utah from adopting the APWA Standards as an ordinance of Tooele City, its most current edition is so adopted. Additionally, Tooele City has adopted separate or amended standards and specifications for specific aspects of the APWA Standards. In those instances, the Tooele City adopted amendments shall govern. The APWA Standards and the Tooele City adopted amendments shall collectively constitute the "City Standards".

Nothing in this ordinance shall preclude adoption and enforcement of policies that are consistent with the stated purposes of the APWA Standards.
(Ord. 2015-07, 03-18-2015) (Ord. 2003-06, 02-05-03) (Ord. 1998-08, 03-04-1998) (Ord. 1995-11, 06-03-1995)

4-17-2. Construction of Public Improvements.

Public improvements shall be constructed to City Standards and the standards and specifications established in an Administrative Policy on Public Improvement Standards and Specifications. Where the Administrative Policy does not contain a particular standard or specification, or a standard or specification is unclear, the public improvements shall be constructed according to the APWA Standards. The Administrative Policy shall allow for variations to the established standards and specification to accommodate unusual or unforeseen circumstances. "Public improvements" shall have the meaning given in Section 7-1-5 of this Code, and shall be interpreted inclusively, not exclusively.
(Ord. 2015-07, 03-18-2015)

4-17-3. Enforcement.

The City Standards shall be enforced by the Tooele City Engineer, or designee. When there are practical difficulties involved in carrying out the provisions of the City Standards, the City Engineer or designee may grant modifications for individual cases. The City Engineer or designee must first find that a special individual reason makes the strict letter of the City Standards impractical and that the modification is in conformance with the intent and purpose of the City Standards. The details of any action granting modifications shall be recorded in the files of the City Engineer.
(Ord. 2015-07, 03-18-2015) (Ord. 1998-08, 03-04-1998) (Ord. 1995-11, 06-03-1995)

4-17-4. Civil Penalties.

(1) Any violation of this Chapter shall be punishable by a civil penalty of $100.

(2) In addition to the civil penalty, the violator shall be required to correct the violation at the violator's cost.

(3) Each day of violation shall be a separate violation subject to an additional civil penalty.
(Ord. 2020-12, 04-15-2020) (Ord. 2015-07, 03-18-2015) (Ord. 1998-08, 03-04-1998) (Ord. 1995-11, 06-03-1995)

4-17-5. Appeals.

A person subject to a civil penalty for violation of this Chapter may appeal the penalty within 10 calendar days as provided in Chapter 1-28 (Administrative Hearing Officer).
(Ord. 2020-12, 04-15-2020)

TITLE 5. BUSINESS REGULATION TITLE OF TOOELE CITY

Chapter 1. General Provisions.
Chapter 2. Auctions and Auctioneers.
Chapter 3. Closing Sale.
Chapter 4. Christmas Tree Sales.
Chapter 5. Public Dance Licenses. Repealed.
Chapter 6. Home Occupations.
Chapter 7. Agricultural Vendors; Itinerant or Transient Merchants; Solicitors. Repealed.
Chapter 7a. Agricultural Vendors; Itenerant or Transient Merchants; Solicitors.
Chapter 8. Mechanical Devices. Repealed.
Chapter 9. Vending Machines. Repealed.
Chapter 10. Pawnbrokers. Repealed.
Chapter 11. Private Police or Detective. Repealed.
Chapter 12. Collectors of Garbage and Waste Materials. Repealed.
Chapter 13. Agricultural Vendors. Repealed.
Chapter 14. Solicitors. Repealed.
Chapter 15. Secondhand and Junk Dealers. Repealed.
Chapter 16. Park Concessions.
Chapter 17. Uniform Local Sales and Use Tax Ordinance.
Chapter 18. Utility License Tax.
Chapter 18a. Municipal Energy and Use Tax.
Chapter18b. Mobile Telephone Service Revenue Act. Repealed.
Chapter 18c. Telecommunication Service Providers Tax.
Chapter 19. Franchise to Mountain States Telephone and Telegraph Company.
Chapter 20. Alcohol Licenses.
Chapter 21. Towing Companies.
Chapter 22. Ice Cream Trucks.
Chapter 23. Sexually Oriented Businesses.
Chapter 24. Telecommunications Rights-of-Way.
Chapter 25. Transient Room Tax.
Chapter 26. Mobile Food Businesses.
Chapter 27. Wireless Communication Services.

CHAPTER 1. GENERAL PROVISIONS

5-1-1. Purpose.
5-1-2. Definitions.
5-1-3. Unlawful to operate without license. Repealed.
5-1-4. Responsibility for obtaining license.
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5-1-18. Time periods.
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5-1-20. Deviations prohibited.
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5-1-22. Refunds.
5-1-23. License transfers.
5-1-24. Additional application requirements.
5-1-25. Particular occupations. Repealed.
5-1-26. Bonding. Repealed.
5-1-27. Designation of agent for service of process. Repealed.
5-1-28. Revocation.
5-1-29. Appeal of preliminary revocation determination.
5-1-30. Doing business after license denied or revoked. Repealed.
5-1-31. Licensing after denial or revocation. Repealed.
5-1-32. Powers and duties of City personnel.
5-1-33. Violations and penalties.
5-1-34. Effect of conviction - Prosecution not barred.
5-1-35. Appeals.
5-1-36. Separability clause.

5-1-1. Purpose.

Pursuant to powers granted by the State of Utah as set forth in various provisions of the Utah Code Annotated, 1953, as amended, the City of Tooele, Utah, intends by this Title (1) to regulate and license businesses and occupations within its corporate limits, (2) to protect the safety and welfare of business patrons, owners, and employees, and (3) to maintain a current index of licensed businesses and occupations for economic development and other public purposes.

(Ord. 2009-16, 03-17-2010) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

5-1-2. Definitions.

For the purposes of this Title, the following words and phrases shall have the meaning herein prescribed:

Business License Specialist: an employee of the Community Development Department tasked with business license activities under this Title.

City: The municipality of the City of Tooele, Utah.

Contractor: Any person who, for a fixed sum, price, fee percentage or other compensation, other than wages, undertakes with another to improve any building, highway, road, improvement of any kind, other than to personalty or any part thereof; provided, that the term "contractor" as used in this Title shall include any one who builds more than one (1) structure on his own property during any one (1) year for the purpose of sale and shall include subcontractor, but shall not include anyone who merely furnished materials or supplies without fabricating the same into, or consuming the same in the performance of the work of the contractor as herein defined.

Department: the Community Development Department.

Director: the Director of the Community Development Department.

Division: Business license division of the Community Development Department.

Employee: The operator, owner, or manager of a place of business; any person or person employed by an operator, owner, or manager in the operation of a place of business, whether part-time or full-time.

Engage in business or conduct business: Includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of services to others for a consideration by persons engaged in any trade, craft, business, or occupation, including doctors, lawyers, accountants, dentists, etc., where a place of business is located within Tooele City. The act of employees rendering services to employers shall not be included in such terms unless otherwise specifically prescribed.

License and Active License: Certificate or document issued by the City evidencing permission or authority to its named holder to engage in, conduct, and carry on a particular business or to pursue a particular occupation within the City.

Licensee: The person to whom a license has been issued pursuant to the provisions of this Title.

Organized event: The Tooele Arts Festival, the Festival of the Old West, and similar such events.

Permit: A written license or instrument issued by the City authorizing and empowering the grantee thereof to some act not forbidden by law but not allowable without such authority.

Person: Any individual or natural person, receiver, assignee, trustee in bankruptcy, trust, firm, partnership, joint venture, corporation, club, company, business trust, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

Place of business: A location maintained or operated by a licensee within the City from which the licensee engages in business.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-08, 02-15-2017) (Ord. 2017-02, 02-01-2017) (Ord. 2012-27, 12-05-2012) (Ord. 2009-16, 03-17-2010) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

5-1-3. Unlawful to operate without license. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-4. Responsibility for obtaining license.

(1) It shall be the responsibility of a person engaging in business within the City to apply for, obtain, and maintain in full force and effect a valid license.

(2) The application shall be issued by the Department, and shall contain at least the following information: business name, business address, business mailing address and telephone number, business owner's name, business owner's home address and home telephone number, and one character reference for the business owner.

(3) Separate licenses shall not be required for persons who engage in business with others as a partnership or corporation legally constituted.

(43) For organized events, the organizing or sponsoring organization shall obtain the license. Individual businesses participating in the events, with the authorization of the organizing or sponsoring organization, shall not be required to obtain individual business licenses to sell products or otherwise engage in business at the events. The licensed organization shall regulate the number and type of businesses pursuant to the organization's event policies, consistent with any Tooele City policies.

(5) All independent contractors engaged in or conducting business must obtain a business license.

(Ord 2025-03, 02-05-2025) (Ord. 2019-26, 11-20-2019) (Ord. 2017-08, 02-15-2017) (Ord. 2017-02, 02-01-2017) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-4.1. Sales Tax License.

A condition precedent to the issuance of a business license shall be the submission of a current State of Utah Sales Tax License for the applying business.

(Ord. 2025-03, 02-05-2025)

5-1-5. Separate license required for each branch.

A separate license must be obtained for each branch established or separate place of business in which the business of a licensee is carried on. Each license shall authorize the person obtaining it to engage in, carry on, pursue, or conduct only that business described in such license and only at the location which is indicated thereon.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-6. Duty to display license.

Every licensee licensed pursuant to the provision of this Title shall keep the license displayed and exhibited while the same is in force in some conspicuous part of the place of business. Every licensee not having a fixed place of business shall carry such license with him/her 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 by any person. (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-7. Exemptions.

(1) Fee Exemptions. The provisions of this Title shall not be deemed or construed to require the payment of a license fee:

(a) by any institution or organization which is conducted, managed, or carried on wholly for the benefit of charitable purposes or from which profit is not derived, directly or indirectly, by any individual, firm, or for-profit corporation;

(b) for the conducting of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, musical, religious, or moral subject, whenever the receipt from such is to be appropriated to any church or school or to any religious or charitable organization within the City;

(c) for the conducting of any entertainment, dance, fraternal, educational, military, state, county or municipal organization or association when the receipts from such are to be appropriated for the purposes and objects for which such association or organization is formed and from which profit is not derived, either directly or indirectly, by any individual, firm or profit corporation.

(2) License Exemption. The provisions of this Title shall not be deemed or construed to require a business license for a business that is operated:

(a) only occasionally; and,

(b) by an individual who is under 18 years of age.

(3) Where Utah statutes exempt certain businesses from local business licensing fees, such business shall not be exempt from the requirement to apply for and obtain a license.

(Ord. 2017-18, 05-17-2017) (Ord. 2009-16, 03-17-2010) (Ord. 2002-05, 04-03-2002) (Ord. 1983-22, 12-07-1983)

5-1-8. Inspections for City code compliance - Notice of noncompliance - License revocation - Complaints.

(1) New businesses. Prior to the issuance of a license to engage in a new business, or for an existing business to conduct business at a new location, the applicant shall permit inspections to be made of the prospective place of business by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, health and other City codes, ordinances, and regulations. No license shall be granted without inspections and code compliance.

(2) Existing businesses. Existing places of business licensed within the City may be inspected periodically by departments of the City, annually upon the City's own initiative or upon the City receiving a complaint of alleged noncompliance, for compliance with building, fire, health, and other City codes, ordinances, and regulations.

(3) Notice of noncompliance. Written notice shall be given by the Department to a licensee upon the finding of any code noncompliance, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such noncompliance, the failure of which may result in the revocation of the license by the Department Director, the license non-renewal, or other civil and criminal penalties.

(4) Business license renewal. No business license shall be renewed where a civil, administrative, or criminal proceeding has made a finding of noncompliance with City codes, ordinances, or regulations and all appeal periods have expired. A license may be reinstated or renewed upon the cure of the noncompliance, verified by City inspection. The payment of a business license renewal fee by a noncompliant business shall not estop the City from revoking a business license, or refusing to renew a business license, due to such noncompliance.

(Ord. 2019-26, 11-20-2019) (Ord. 2014-07, 06-04-2014) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-9. Preparation, issuance, and listing of licenses.

The Department shall prepare and issue appropriate licenses for every person qualifying therefor under the provision of this Title and shall state in each license the name and address of the licensed business and the period of time for which it is issued. All licenses shall be signed by the Director or the Business Licensing Specialist. The Department shall maintain a list of all persons holding licenses and the status of each such license.

(Ord. 2019-26, 11-20-2019) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-10. License fees.

(1) There is hereby levied upon every person engaged in business within the City an annual license fee to be calculated as follows:

(a) Base Fee: $40.00

(b) Additional Fee: $3.00 per employee.

(2) The annual business license fee shall not exceed $1,000.00.

(Ord. 2009-16, 03-17-2010) (Ord. 2003-31, 12-03-2003) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

5-1-11. License additional to all regulatory licenses.

The license fees imposed by this Title shall be in addition to any and all other taxes or fees imposed by any other provisions of the Ordinances of the City of Tooele.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-12. Revenue tax on business in competition with public utilities. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-13. Revenue Measure. (Repealed)

(Ord. 1998-09, 05-06-1998)

5-1-14. Fee payments.

(1) All license fees shall be paid at the Office of the Department of Finance of the City prior to the license being issued.

(2) The annual license fees provided in this Title shall be due and payable to the City at the times specified, or if not so specified, on the first day of January of each year

(3) Fees shall not be prorated.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-15. Renewal billing procedure.

(1) During December of each year, the Department shall send a statement to each current licensee within the City, calling for the computation by the licensee of a license fee for the next calendar year. The statement shall notify the licensee that payment of the license fee is due no later than January 31 of the new calendar year and that a penalty will be assessed if the fee is not timely paid.

(2) Any fee remaining unpaid as of February 1 shall have added thereto a penalty in the amount of fifty percent (50%) of the total amount of the license fee due.

(3) By March 1 of each year, the Department shall send a final notice to each licensee whose annual license fee remains unpaid. The notice shall inform the licensee that if the fee and accrued penalty are not paid by March 15, the Department will place the license in an inactive status.

(4) If the fee and penalty remain unpaid after March 15, the Department shall notify the licensee by first-class mail that the license is inactive and that the licensee cannot engage in further business within the city until the licensee pays the fee and accrued penalty.

(5) The Business License Specialist is empowered to enter onto business premises during business hours of operation to make observations regarding the activity of a business whose business license has been deactivated or revoked..

(Ord. 2019-26, 11-20-2019) (Ord. 2009-16, 03-17-2010) (Ord. 2006-20, 09-06-2006) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

5-1-16. Fee adjustment to avoid burdening interstate commerce. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-17. Exemption of insurance companies. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-18. Time periods.

The licenses shall be effective for the calendar year in which issued.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-19. Mistakes in fee calculations.

In no event shall any mistakes made by an applicant, a licensee, or the Department in the calculation of a license fee prevent or prejudice the collection by the City of amounts actually due from any person subject to licensing under this Title. Likewise, no such mistakes shall prevent or prejudice the refund to licensees of amounts overpaid by the reason of mistakes.

(Ord. 2019-26, 11-20-2019) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-20. Deviations prohibited.

No greater or lesser amounts shall be charged or received for licenses and no license shall be issued for any period of time other than as specifically provided in this Title.

(Ord. 1983-22, 12-07-1983)

5-1-21. Fee for duplicate license.

The Department shall make a charge of ten dollars ($10.00) for each duplicate license issued to replace any license issued under the provisions of this Title.

(Ord. 2019-26, 11-20-2019) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-22. Refunds.

No refund shall be made against any fee for a license issued pursuant to this Title without the written approval of the Director for good cause.

(Ord. 2019-26, 11-20-2019) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-23. License transfers.

Upon the written consent of the Business Licensing Specialist endorsed thereon, licenses issued pursuant to the provisions of this Title may be transferred from one place of business to another provided that the licensee remains the same. A transfer fee of ten dollars ($10.00) shall be paid for each such transfer. There shall be no transfers of licenses from one person to another or from one business to another.

(Ord. 2019-26, 11-20-2019) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-24. Additional application requirements.

Other chapters of this Title may require additional license application criteria and information.

(Ord. 2023-08, 03-15-2023) (Ord. 2009-16, 03-17-2010) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

5-1-25. Particular occupations. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-26. Bonding. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-27. Designation of agent for service of process.

(1) Each licensed business shall be registered with the State of Utah Department of Commerce, Division of Corporations, or successor division.

(2) The owner listed on the business license application shall be considered the agent for service of process or notice given pursuant to this Chapter.

(Ord. 2013-07, 04-17-2013) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-28. Revocation.

(1) The issuance of a license under this Title 5 grants a revocable property interest and privilege to engage in business. The licensee agrees, as a condition of license issuance, to operate the licensed business or activity in conformity with the ordinances of the City and all other applicable laws.

(2) Any license issued pursuant to the provisions of this Title may be revoked for one year by the Director for any of the following reasons:

(a) the violation by the licensee of any provisions in this Title;

(b) failure to pay when due any license fee, tax, charge, or penalty provided for in State statute or City ordinance;

(c) falsification of the license application or supporting documentation provided with the license application;

(d) any fraud or misrepresentation of a material fact in the procurement of the license;

(e) noncompliance with building, fire, or health codes;

(f) any conduct at the licensed premises tending to render the licensed premises, business, or activity a private or public nuisance as defined in this Code, or a menace to the health, peace, or general welfare of the City or its inhabitants;

(g) using or possessing for use a false weight or measure or any other device for falsely determining or recording any quantity or quality;

(h) selling, or offering or exposing for sale, commodities that vary from the standard of composition or quality prescribed by any statute that provides criminal penalties for:

(i) deviation from standards set by any statute;

(ii) deviation from standards set by established commercial usage; or,

(iii) deviation from legal requirements for truthfulness or disclosure in labeling as required by any statute;

(i) activities, under the guise of conducting a business, that are fraudulent, deceptive, or constituting a violation of City ordinance or other law;

(j) failure of the licensee to retain the legal qualifications necessary for the license;

(k) violation of the zoning ordinances governing the licensed business or activity, including parking ordinance requirements;

(l) conviction of a felony or any crime of moral turpitude on or related to the licensed business or activity after the issuance of a license;

(m) refusal to allow City officers or employees to make inspection of the licensed premises during the hours of 8 a.m. to 5 p.m. Monday through Friday;

(n) selling, or offering or exposing for sale, to minors any harmful material, sexually oriented material, or sexual paraphernalia, as defined in Section 11-1-10 of this Code;

(o) violation of any of the terms or conditions of a conditional use permit; and,

(p) any violation of City ordinance or other law relating to the licensed business or activity.

(3) An action or omission constituting grounds for revocation under this Section by an agent, employee, officer, operator, owner, or patron of the licensee or the licensed business or activity shall constitute the action or omission of the licensee.

(4) Notification of the Director's preliminary determination to revoke a business license shall be mailed by the Department by certified U.S. mail to the licensed business at the mailing address identified on the business license application.

(5) Notification of business license revocation shall be mailed by the Department by certified U.S. mail to the licensed business:

(a) if no timely appeal of the preliminary revocation determination was filed, at the mailing address identified on the business license application; or,

(b) if a timely appeal of the preliminary revocation determination was filed, and the determination was sustained by the Administrative Hearing Officer, at the address identified on the appeal.

(Ord. 2019-26, 11-20-2019) (Ord. 2014-01, 01-15-2014) (Ord. 2013-07, 04-17-2013) (Ord. 2012-13, 04-18-2012) (Ord. 2009-16, 03-17-2010) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

5-1-29. Appeal of preliminary revocation determination.

Appeals of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2014-01, 01-15-2014) (Ord. 2013-07, 04-17-2013) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-30. Doing business after license denied or revoked. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-31. Licensing after denial or revocation. (Repealed)

(Ord. 2009-16, 03-17-2010)

5-1-32. Powers and duties of City personnel.

The business license specialist and all police officers of the City are hereby appointed inspectors of licenses and, in addition to their several duties, are authorized in the performance of their duties to examine all business places to see that such licenses are valid and that they are posted in a conspicuous place within the place of business or otherwise displayed as required. The business license specialist and all police officers shall have authority to enter, free of charge, during a business' regular business hours, any place of business for which a license is required, and to demand the exhibition of a current license by any person engaged or employed in the conduct of such business. All police officers shall have authority to issue citations and make arrests for the violation of any provisions of this Title.

(Ord. 2023-08, 03-15-2023) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-33. Violations and penalties.

(1) It shall be a violation of this Chapter for any person to do any of the following within the City:

(a) engage in business without first procuring a license;

(b) engage in business when a license for the business has been revoked, and the revocation appeal period has expired or an appeal has resulted in the revocation being affirmed;

(c) engage in business when a license has become inactive through the non-payment of applicable license fees and accrued penalties; and,

(d) fail to display the license at the licensed place of business, or, if there is no fixed place of business, fail to carry the license while engaging in business.

(2) Civil. Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as follows:

(a) first violation: $100 fine;

(b) second violation: $250 fine;

(c) third and subsequent violations: $500 fine.

(3) Criminal. In addition to the civil penalties provided in this Section, a violation of this Chapter may be charged and prosecuted as a class C misdemeanor.

(Ord. 2024-22, 08-21-2024) (Ord. 2009-16, 03-17-2010) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

5-1-34. Effect of conviction - Prosecution not barred.

The conviction and punishment of any person for engaging in business without a license shall not excuse or exempt such person from the payment of any license fees due or unpaid at the time of such conviction; and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this Title.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

5-1-35. Appeals.

(1) The administrative hearing officer shall hear and decide appeals from civil citations issued for violations of this Chapter.

(2) A person desiring to appeal a civil citation shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder, who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals are identified in Tooele City Code Chapter 1-28.

(Ord. 2024-22, 08-21-2024)

5-1-36. Separability clause.

If any subsection, sentence, clause, phrase or portion of this Title, 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 Title. The City Council of the City of Tooele hereby declares that it would have adopted this Title and each subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

(Ord. 2024-22, 08-21-2024) (Ord. 1983-22, 12-07-1983)

CHAPTER 2. AUCTIONS AND AUCTIONEERS

5-2-1. License.
5-2-2. License application.
5-2-3. License fee.
5-2-4. Exemptions.
5-2-5. Bond required. (Repealed)
5-2-6. False bidding - Auctioneer or officer to be present.
5-2-7. Conduct generally.
5-2-8. Fraud.
5-2-9. Transient auction houses.
5-2-10. Duties of auctioneer relating to owner - Commission. (Repealed)
5-2-11. Marketing of merchandise - Selling un-inventoried goods.
5-2-12. Representations as to quality - Records required.
5-2-13. Transfer of license prohibited.
5-2-14. Violations.

5-2-1. License.

It shall be unlawful for any person to sell or offer to sell at public auction in the City any merchandise, or to keep, conduct or operate an auction house or a transient auction house in the City for the purpose of selling or offering for sale any inventory of stock or merchandise, without first obtaining a license in writing approved by the Department.
(Ord. 2019-26, 11-20-2019) (Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-2. License application.

Application for a license required by this Chapter shall contain the following:

(1) The name of the applicant, his residence and the address of the proposed place of sale;

(2) A statement that neither fraud nor deception of any kind is contemplated nor will the same be practiced and that neither the sale, the reasons given therefor, nor the goods to be sold have been or will thereafter be fraudulently or falsely advertised or in any way whatsoever misrepresented as far as the public auction is concerned;

(3) Detailed statements or representations proposed to be made or advertised regarding the goods to be sold;

(4) The length of time for which the license is desired;

(5) A statement as to whether or not the applicant has previously engaged in a like or similar business, designating the place and time where the same was conducted; and,

(6) A true and correct detailed inventory listing the articles proposed to be sold by auction and giving any identifying numbers or marks which may be upon the articles to be sold, indicating opposite the description of each article whether the same is new or used, and listing each of the articles described in said inventory with a number; provided, however, that no articles need be listed in the inventory which have a reasonably anticipated retail value or fifty dollars ($50.00) or less.
(Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-3. License fee.

The fee for licenses required by auctioneers pursuant to this Chapter shall be established in accordance with the license fees set forth in Section 5-1-10.
(Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-4. Exemptions.

The provisions of this Chapter shall not apply to any auction held for charitable or benevolent purposes, or as a part of a church, fair, festival or bazaar.
(Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-5. Bond required. (Repealed.)

(Ord. 2012-32, 12-05-2012)

5-2-6. False bidding - Auctioneer or officer to be present.

No person shall act at any sale by auction as a by-bidder or booster to bid in behalf of the auctioneer or owner, or to run up the price of the article to be sold, or to make any false bid. The licensee, or if the licensee is a corporation, then one of its officers, shall remain in continuous attendance at each auction held to assure compliance with this Chapter.
(Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-7. Conduct generally.

Auctioneers and their assistants are forbidden to conduct their sales in such a manner as to cause people to gather in crowds on the sidewalks so as to obstruct the same; nor shall they use obscene language in crying their sales, nor make or cause to be made noisy acclamations such as the ringing of bells, blowing of whistles or otherwise (though not enumerated here) through the streets in advertising their sales; and no bellman or crier, drum, fife, or other musical instrument or noise-making means of attracting attention of the passersby, except the customary auctioneer's flags, shall be employed or suffered to be used at or near any place of auction whatsoever.
(Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-8. Fraud.

It shall be unlawful for an auctioneer or his assistants when selling or offering for sale at public

auction any goods, wares or merchandise under the provisions of this Chapter, while describing said goods, wares or merchandise with respect to character, quality, kind of value or otherwise, to make any fraudulent, misleading, untruthful or unwarranted statements tending in any way to mislead bidders, or to substitute one article for another.
(Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-9. Transient auction houses.

(1) Any person or any agent, servant or employee of any person who shall sell or offer for sale at auction any goods, wares, merchandise or article of value in or from any hotel, rooming house, dwelling house, boardinghouse, store, storeroom, stall, tent, building, structure, stand or other place indoors or outdoors, and who shall occupy said place for the purpose of conducting a temporary business therein, shall be deemed a transient auction house owner for the purposes of this Chapter; and the person, or any agent, servant or employee thereof, so engaged shall not be relieved from the provisions of this Chapter by reason of association temporarily with any licensed dealer, trader, merchant or auctioneer.

(2) Transient auction houses and auction house owners shall be subject to the following additional requirements and regulations:

(A) Section 5-7a-2 (License required - Display) regarding license display;

(B) Section 5-7a-3 (Application for license);

(C) Section 5-7a-4 (Fee) for each owner, agent, and employee assisting with or participating in the transient auction house operation in Tooele City;

(D) Section 5-7a-5 (Review of application and issuance of license);

(E) Section 5-7a-6 (Denial of license and right of appeal);

(F) Section 5-7a-7 (Photographs and identity badges) for each owner, agent, and employee assisting with or participating in the transient auction house operation in Tooele City;

(G) Section 5-7a-8 (Inspections); and,

(H) Section 5-7a-9 (Deceptive soliciting practices prohibited).

(Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-10. Duties of auctioneer relating to owner - Commission. (Repealed.)
(Ord. 2012-32, 12-05-2012)

5-2-11. Marketing of merchandise - Selling un-inventoried goods.

Before any sale is made at auction, the licensee must attach to each article to be sold, having a reasonably anticipated retail value of fifty dollars ($50.00) or more, a card with the number of the article endorsed thereon such that the number shall correspond to the article as it is described in the inventory listed in the application on file with the Department. No article having a reasonably anticipated retail value in excess of fifty dollars ($50.00) shall be sold at said auction unless the same is described and set forth in the inventory on file with the Department as required by this Chapter. Where a sale is held by public auction of the stock-on-hand of any merchant or auction house in accordance with the provisions of this Chapter, such sale shall not be fed or replenished.
(Ord. 2019-26, 11-20-2019) (Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-12. Representations as to quality - records required.

All sales and all persons participating in sales must truly and correctly represent at all times to the public attending such auction the facts with respect to quality of items for sale. The licensee shall keep a complete record of all sales in excess of fifty dollars ($50.00) made at auction, showing the name and address of each purchaser; a description of each article sold, including the number thereof, which shall correspond with the numbers shown upon the inventory on file with the Department; and the date of each such sale. The record shall at times be open to inspection by the Department.
(Ord. 2019-26, 11-20-2019) (Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-13. Transfer of license prohibited.

The license granted under the provisions of this Chapter shall not be transferable nor shall the same be loaned or used by any person other than the one who has been licensed.

Licenses issued pursuant to this Chapter may be revoked by the City pursuant to Sections 5-1-28 and -29. Upon revocation of the license, the licensee shall cease to operate thereunder.
(Ord. 2019-26, 11-20-2019) (Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-2-14. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.
(Ord. 2024-22, 08-21-2024) (Ord. 2012-32, 12-05-2012) (Ord. 1983-22, 12-07-1983)

CHAPTER 3. CLOSING SALE

5-3-1. Definitions.
5-3-2. License required. (Repealed)
5-3-3. Fee. (Repealed)
5-3-4. Application. (Repealed)
5-3-5. Year in business required prior to issuance of license - Exception. (Repealed)
5-3-6. Issuance of license and term. (Repealed)
5-3-7. Renewals - Term and fee. (Repealed)
5-3-8. Display of license. (Repealed)
5-3-9. Revocation of license. (Repealed)
5-3-10. Rules and regulations. (Repealed)
5-3-11. Mingling of goods prohibited. (Repealed)
5-3-12. Each sale a separate offense. (Repealed)
5-3-13. Resumption of business prohibited. (Repealed)
5-3-14. Records to be kept. (Repealed)
5-3-15. Exemptions to chapter. (Repealed)
5-3-16. Compliance with chapter required. (Repealed)
5-3-17. Notice of Sale.
5-3-18. Limitations.
5-3-19. Violations.

5-3-1. Definitions.

As used in this Chapter, the following terms shall have the meanings herein stated:

(1) Sale. "Sale" shall mean:

(a) Any sale of, or any offer to sell to the public or any group thereof, goods, wares or merchandise in order, in transit or in stock, in connection with a declared purpose as set forth by advertising that such sale is anticipatory to or for the purpose of termination, liquidation, revision, windup, anticipatory removal, dissolution or abandonment of the business or that portion of the business conducted at any location; and,

(b) All sales advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale, the business or that portion thereof being conducted at any location will cease, be removed, interrupted, discontinued or changed; and,

(c) All sales advertised to be "Adjustor's Sale", "Assignee's Sale", "Administrator's Sale", "Closing Sale", "Creditor's Sale", "End Sale", "Forced Out of Business Sale", "Going Out of Business Sale", "Insurance Salvage Sale", "Last Days Sale", "Lease Expires Sale", "Liquidation Sale", "Removal Sale", "Reorganization Sale", "Quitting Business Sale", "We Quit Sale", "Wholesale Closing Out Sale", "Fixtures Sale", or advertised by any other expression or characterization or phrase of like or similar language which would reasonably convey to the public that the sale is being conducted as a result of such occurrences as enumerated above, which are not intended to be all inclusive but refer to type or class of sale.

(2) Publish, Publishing, Advertisement, Advertising. "Publish, publishing, advertisement, advertising", shall mean any and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, newspaper advertisement, magazine advertisement, handbill, written notice, printed notice, printed display, billboard display, poster, radio or television announcement and any and all means including oral, written or printed. (Ord. 1987-11, 05-12-1987)

5-3-2. License required. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-3. Fee. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-4. Application. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-5. Year in business required prior to issuance of license - Exception. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-6. Issuance of license and term. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-7. Renewals, term and fee. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-8. Display of license. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-9. Revocation of license. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-10. Rules and regulations. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-11. Mingling of goods prohibited. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-12. Each sale a separate offense. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-13. Resumption of business prohibited. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-14. Records to be kept. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-15. Exemptions to chapter. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-16. Compliance with chapter required. (Repealed.)
(Ord. 2012-33, 12-05-2012)

5-3-17. Notice of Sale.

Any person conducting a Sale shall inform the Department in writing of the Sale prior to the conduct of the Sale.

(Ord. 2019-26, 11-20-2019) (Ord. 2012-33, 12-05-2012)

5-3-18. Limitations.

(1) No Sale may be conducted for more than 30 consecutive days. Days during the advertized Sale on which the selling business is closed or the Sale is interrupted shall be counted toward the 30 days.

(2) Only 1 Sale may be conducted in any calendar year.

(Ord. 2012-33, 12-05-2012)

5-3-19. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.

(Ord. 2024-22, 08-21-2024) (Ord. 2012-33, 12-05-2012)

CHAPTER 4. CHRISTMAS TREE SALES

5-4-1. Unlawful to sell Christmas trees without a license.
5-4-2. Written consent to cut trees required.
5-4-3. Unlawful to possess or sell untagged trees.
5-4-4. Application for license.
5-4-5. Issuing of license - Fee and license period.
5-4-6. Cleanup deposit. (Repealed)
5-4-7. Violations.

5-4-1. Unlawful to sell Christmas trees without a license.

It shall be unlawful for any person to engage in the business of selling fir or evergreen trees or trees commonly called "Christmas trees" in the City without first obtaining a license therefor. If a presently Tooele City licensed business sells Christmas trees, the licensee shall comply with Sections 5-4-2 and 5-4-3.
(Ord. 2012-34, 12-05-2012); (Ord. 1983-22, 12-07-1983)

5-4-2. Written consent to cut trees required.

It shall be unlawful for any person to sell at any time or to offer for sale in the City any fir, evergreen or Christmas tree cut or procured from or within the public domain of the United States, or of the State of Utah, without written authority having been first obtained from the United States, said State of Utah, or from the owner of such private lands, as the case may be, to cut and remove such trees.
(Ord. 1983-22, 12-07-1983)

5-4-3. Unlawful to possess or sell untagged trees.

It shall be unlawful for any person to have in his possession for sale, or to sell or offer for sale in the City, trees from the sources described in Section 5-4-2 unless the same shall have been officially tagged with a tag furnished or approved either by the United States Forest Service or the Department of Forestry of the State of Utah.
(Ord. 1983-22, 12-07-1983)

5-4-4. Application for license.

Any person desiring a license to sell and dispose of Christmas trees within the City shall make application therefor to the division. Such application shall specifically state and set forth the source of title to the trees to be sold and whether said trees, or any of them, were cut or procured within any public domain of the United States, or of the State of Utah, or from any private lands, either within or without the State of Utah. Applicants shall be required in connection with such applications to furnish the division with evidence of ownership of such trees and/or authority to cut and procure the same from the public domain or from private lands.
(Ord. 1983-22, 12-07-1983)

5-4-5. Issuing of license - Fee and license period.

Upon satisfactory showing made by the applicant that he has a bona fide title to trees regulated by this Chapter and that the same were not obtained illegally or in violation of any laws of the United States, or of the State of Utah, or any law, rules or regulation of the state or county from which such trees have been obtained, and that the applicant has authority to cut and procure the same from either the public domain or from private land, the division shall grant to such applicant a business license upon the payment of the fee set forth in the Tooele City Fee Schedule. Such license shall be valid for a period of sixty (60) days from November first of each year.
(Ord. 2011-20, 12-07-2011); (Ord. 1983-22, 12-07-1983)

5-4-6. Cleanup deposit.

(Repealed. Ord. 2012-34, 12-05-2012)

5-4-7. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.
(Ord. 2024-22, 08-21-2024) (Ord. 1983-22, 12-07-1983)

CHAPTER 5. PUBLIC DANCE LICENSES

Repealed. (Ord. 2012-31, 12-05-12)

CHAPTER 6. HOME OCCUPATIONS

5-6-1. Definition.
5-6-2. License required - Display.
5-6-3. Procedure.
5-6-4. License fees - Exemption.
5-6-5. Inspections.
5-6-6. Zoning requirements.
5-6-7. Violations.

5-6-1. Definition.

The term "home occupation" shall have the meaning contained in Section 7-1-5 (Definitions) of this Code.
(Ord. 2017-19, 09-06-2017) (Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-6-2. License required - Display.

It shall be unlawful for any person to engage in a home occupation without first securing a business license therefor, unless expressly exempt by law. The licensee shall conspicuously display such license in the licensed place of business so that the same is plainly visible to the public.
(Ord. 2017-19, 09-06-2017) (Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-6-3. Procedure.

Applicants for a license required by this Chapter shall comply with the provisions of Chapter 5-1 (General Provisions).
(Ord. 2017-19, 09-06-2017) (Ord. 2012-36, 12-05-2012) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

5-6-4. License fees - Exemption.

(1) License fees for licenses issued pursuant to this Chapter shall be the same as set forth in Section 5-1-10 (License fees).

(2) A home occupation business is exempt from the license fees required by subsection (1), above, unless the combined offsite impact of the business, together with the primary residential use, is anticipated to, or is shown to, materially exceed the offsite impact of the primary residential use alone. The City Recorder shall determine the anticipation or existence of such impacts.
(Ord. 2017-19, 09-06-2017) (Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-6-5. Inspections.

The City reserves the right to inspect any premises licensed or applied to be licensed for home occupation for the purpose of protecting the public health, safety, and welfare.
(Ord. 2017-19, 09-06-2017) (Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

5-6-6. Zoning requirements.

Home occupations shall comply with all land use regulations set forth in Title 7 of the Tooele City Code.
(Ord. 2017-19, 09-06-2017) (Ord 2012-36, 12-05-2012) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

5-6-7. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.
(Ord. 2024-22, 08-21-2024) (Ord. 2017-19, 09-06-2017) (Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

CHAPTER 7. AGRICULTURAL VENDORS; ITINERANT OR TRANSIENT MERCHANTS; SOLICITORS

Repealed. (Ord. 2007-17, 06-20-2007)

CHAPTER 7a. AGRICULTURAL VENDORS; ITINERANT OR TRANSIENT MERCHANTS; SOLICITORS

5-7a-1. Definitions.
5-7a-2. License required - Display.
5-7a-3. Application for license.
5-7a-4. Fee.
5-7a-5. Review of application and issuance of license.
5-7a-6. Denial of license and right of appeal.
5-7a-7. Photographs and identity badges.
5-7a-8. Inspections.
5-7a-9. Deceptive soliciting practices prohibited.
5-7a-10. "No Solicitation" notice.
5-7a-11. Duties of solicitors.
5-7a-12. Violations.

5-7a-1. Definitions.

As used in this Chapter:

(1) "Agricultural vendor" means a person engaged in the sale of fruits and/or vegetables from stands, motor vehicles, or roadsides.

(2) "Itinerant" or "transient merchant" means any person who offers for sale at wholesale or retail any goods, wares or merchandise in or from any hotel, stall, tent, building, structure, stand, railroad car, motor vehicle, field, corner or other place and who does not occupy that place for the purpose of conducting a permanent business thereon or therein.

(3) "Solicitor" means any person selling, offering for sale or taking orders for merchandise or services door to door within the City. Solicitors include, but are not limited to, photographers, sellers of magazines, cosmetics, home care products, and any other person engaged in direct sales, but specifically excluding newspaper carriers.

(4) "Merchandise" includes all goods, food, wares, photographs, subscriptions to any kind of publication, tickets, coupons or receipts representing value.

(Ord. 2007-17, 6-20-2007)

5-7a-2. License required - Display.

(1) It shall be unlawful for any person to conduct the business of an agricultural vendor or itinerant or transient merchant without first securing a license for each place to be so operated. The licensee shall conspicuously display such license in or at the place of business so that the same is plainly visible to the public.

(2) It shall be unlawful for any person to conduct the business of a solicitor without first securing a license therefor. Each solicitor shall carry on the solicitor's person a copy of the business license.

(3) Agricultural vendors who sell fruits and vegetables produced and sold from their own homes or property immediately adjoining their own homes are exempt from licensing and the payment of license fees under this Chapter.

(Ord. 2007-17, 6-20-2007)

5-7a-3. Application for license.

All applications for a license under this Chapter shall be made to and upon forms provided by the Department. Each application form shall require disclosure and reporting by the applicant of the following information:

(1) Contact information, including the applicant's true, correct and legal name, former names or aliases used during the last ten (10) years; the applicant's telephone number, home address and mailing address, if different; and the address to which all notices are to be sent.

(2) Proof of identity by a valid driver license issued by any state, valid passport issued by the United States, valid identification card issued by any state, or a valid identification card issued by a branch of the United States military.

(3) Proof of registration with the Department of Commerce either by the applicant or the entity which the applicant is representing.

(4) Marketing information, including the nature of merchandise offered by the applicant, whether the goods will be offered door to door, and whether the merchandise will be simultaneously exchanged at the time of payment.

(5) If the applicant is a solicitor, responses to the following questions regarding disqualifying conditions as follows:

(a) Has the applicant been criminally convicted of felony homicide, physically abusing, sexually abusing, or exploiting a minor, sale or distribution of controlled substances, or sexual assault of any kind?

(b) Are any criminal charges currently pending against the applicant for felony homicide, physically abusing, sexually abusing, or exploiting a minor, sale or distribution of controlled substances, or sexual assault of any kind?

(c) Has the applicant been criminally convicted of a felony within the last ten (10) years?

(d) Has the applicant been incarcerated in a federal or state prison within the past five (5) years?

(e) Has the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of moral turpitude, or violent or aggravated conduct involving persons or property?

(f) Has a final civil judgment been entered against the applicant within the last five (5) years indicating that the applicant had either engaged in fraud, or intentional misrepresentation?

(g) Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device?

(h) Does the applicant have an outstanding arrest warrant from any jurisdiction?

(i) Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction?

(6) Execution and affirmation under oath and on penalty of perjury that based on the applicant's present information and belief the information provided is complete, truthful, and accurate.

(7) In addition to furnishing the information requested on the application, each applicant for a solicitor's license shall submit a copy of the applicant's current criminal history on file at the Utah Department of Public Safety Bureau of Criminal Identification.

(8) Each applicant for an agricultural vendor license shall, prior to doing business, obtain a letter from the city building inspector indicating that the inspector has reviewed the plan for point of sale and that adequate and safe parking exists there. Upon receiving the letter, agricultural vendors exempt from licensing may commence business. Upon presenting the letter from the building inspector to the Department, a nonexempt applicant may then fill out and file with the Department a business license application.

(Ord. 2019-26, 11-20-2019) (Ord. 2007-17, 6-20-2007)

5-7a-4. Fee.

Each itinerant or transient merchant, agricultural vendor, or solicitor shall pay a $40.00 annual fee. No proration will be granted.

(Ord. 2007-17, 6-20-2007)

5-7a-5. Review of application and issuance of license.

(1) Within five business days of receipt of the completed application and applicable documentation, the Department shall review the application for completeness and shall take such other reasonable action to verify the information appearing on the application.

(2) The Department shall issue a business license to the applicant if the information is complete and verified and the license fee has been paid.

(3) The license shall show the name of the licensee and the business permitted to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

(4) Licenses issued pursuant to this Chapter shall expire on December 31 of each year.

(Ord. 2019-26, 11-20-2019) (Ord. 2007-17, 6-20-2007)

5-7a-6. Denial of license and right of appeal.

(1) The Department, with authorization from the Director, shall refuse to issue a license to an applicant for any of the following reasons:

(a) The information submitted by the applicant is incomplete, incorrect, or misrepresented.

(b) The applicant has answered affirmatively to any of the questions set forth in Section 5-7a-3(5).

(c) The applicant fails to pay the requisite fee.

(2) Appeal of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2019-26, 11-20-2019) (Ord. 2013-07, 04-17-2013) (Ord. 2007-17, 6-20-2007)

5-7a-7. Solicitor photographs and identity badges.

Before commencing work, each solicitor who is, or who will be, present in the City to conduct the applicant's business shall obtain an identity badge from the Department at a cost of $10.00 and wear the badge at all times while conducting business in the City. The solicitor shall return the badge to the Department at the conclusion of the persons' business in the City or the end of the calendar year, whichever is earlier. Upon return of the identity badge, the Department shall refund $5.00 of the cost of the badge.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-22, 06-21-2017) (Ord. 2007-17, 6-20-2007)

5-7a-8. Inspections.

The City reserves the right to inspect any premises or location utilized for carrying on businesses regulated by this Chapter to assure compliance with the provisions of this Code and with the conditions of any City approval, permit, or license.

(Ord. 2012-35, 12-05-12); (Ord. 2007-17, 6-20-2007)

5-7a-9. Deceptive soliciting practices prohibited.

(1) No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

(2) A solicitor shall immediately disclose to the consumer during face-to-face solicitation:

(a) The name of the solicitor;

(b) The name and address of the entity with whom the solicitor is associated; and,

(c) The purpose of the solicitor's contact with the person.

(3) No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

(4) No solicitor shall represent directly or indirectly that the City's grant of a license implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

(Ord. 2007-17, 6-20-2007)

5-7a-10. "No Solicitation" notice.

(1) Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign or sign of similar import which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

(2) The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

(Ord. 2007-17, 6-20-2007)

5-7a-11. Duties of Solicitors.

(1) A solicitor shall check each residence for the presence of a "No Solicitation" notice or notice of similar import before attempting to make contact with any person in the residence.

(2) A solicitor shall not knock on the door, ring the doorbell, or in any other manner attempt to attract the

attention of an occupant of a residence that bears a "No Solicitation" sign or sign or placard of similar import for the purpose of selling or attempting to sell merchandise or services. Possession of a license does not relieve any solicitor of this duty.

(3) A solicitor shall not attempt through ruse, deception, or fraudulent concealment to secure an audience with an occupant at a residence.

(4) A solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent.

(5) A solicitor shall not follow a person into a residence without the person's express consent.

(6) A solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.

(7) A solicitor shall not continue to attempt to sell or offer to sell merchandise or services after the person to whom the solicitor is speaking has clearly communicated the person's lack of interest in the solicitor's merchandise or services.

(8) A solicitor shall not solicit at a residence by knocking on the door, ringing the doorbell, or otherwise between the hours of 9:00 p.m. and 9:00 a.m.

(Ord. 2016-09, 07-06-2016) (Ord. 2007-17, 6-20-2007)

5-7a-12. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.

(Ord. 2024-22, 08-21-2024) (Ord. 2007-17, 6-20-2007)

CHAPTER 8. MECHANICAL DEVICES

Repealed. (Ord. 2012-28, 12-05-12)

CHAPTER 9. VENDING MACHINES

Repealed. (Ord. 2012-29, 12-05-12)

CHAPTER 10. PAWNBROKERS
(Repealed Ord. 2019-25, 09-18-2019)

CHAPTER 11. PRIVATE POLICE OR DETECTIVE (Repealed)
(Ord. 2017-05, 03-01-2017)

CHAPTER 12. COLLECTORS OF GARBAGE AND WASTE MATERIALS

Repealed. (Ord. 2012-30, 12-05-12)

CHAPTER 13. AGRICULTURAL VENDORS

5-13-1 through 5-13-8. Repealed. (Ord. 94-04, 02-15-94)

CHAPTER 14. SOLICITORS

5-14-1 through 5-14-9. Repealed. (Ord 94-04, 02-15-94)

CHAPTER 15. SECONDHAND AND JUNK DEALERS (Repealed)
(Ord. 2017-04, 03-01-2017)

CHAPTER 16. PARK CONCESSIONS

5-16-1. Concessions in parks.
5-16-2. Sale of food without a business license prohibited.
5-16-3. Application for business license.
5-16-4. Operation not to be changed.
5-16-5. Fees.
5-16-6. Duration of concession.
5-16-7. Repealed.
5-16-8. Violations.

5-16-1. Concessions in parks.

The provisions of this Chapter shall apply to all public parks and playgrounds, and associated buildings and parking areas, owned or controlled by Tooele City.
(Ord. 2016-10, 07-06-16) (Ord. 2010-07, 06-15-2010) (Ord. 1988-19, 07-06-1988)

5-16-2. Sale of food without a business license prohibited.

(1) No person, firm, corporation, organization, or association shall sell any food or food product of any kind in any city-owned park or playground without a business license as a concessionaire.

(2) For organized events, the organizing or sponsoring organization shall obtain the license. The individual food vendors shall not be required to obtain individual business licenses to sell food or food products at the event. The licensed organization shall regulate the number and type of vendors, and vendor activities, pursuant to the organization's event policies, consistent with any Tooele City policies.

(3) All food vendors shall be required to comply with applicable state and local health regulations and to obtain all required state and local health permits.

(4) A business license issued pursuant to this Chapter shall be issued under and governed by the provisions of Chapter 1 of this Title.
(Ord. 2016-10, 07-06-16) (Ord. 2010-07, 06-15-2010) (Ord. 1988-19, 07-06-1988)

5-16-3. Application for business license.

(1) Each person, firm, or corporation desiring to apply for a business license as a concessionaire to sell food in any city-owned park or playground shall file an application therefor. In addition to the information required by Chapter 1 of this Title, the application shall include the following information:

(a) The name and address of the applicant.

(b) The location where the applicant proposes to sell food.

(c) The types of food proposed to be sold.

(d) A description of any buildings or equipment, owned by the city, desired to be used by the concessionaire.

(e) The equipment that the concessionaire plans to use, including not only food preparation and food serving equipment but also any cart or building proposed to be used in the operation.

(f) A plan for removing trash from, and otherwise cleaning, the site of the food product preparation and sale.
(Ord. 2016-10, 07-06-16) (Ord. 2010-07, 06-15-2010) (Ord. 1988-19, 07-06-1988)

5-16-4. Operation not to be changed.

Any person receiving a business license as a concessionaire shall not change any part of the operation described in the application, including equipment used or the food to be served, without applying for and receiving approval of the change from the Department.
(Ord. 2019-26, 11-20-2019) (Ord. 2016-10, 07-06-16) (Ord. 2010-07, 06-15-2010) (Ord. 1988-19, 07-06-1988)

5-16-5. Fees.

Each person licensed under this Chapter shall pay the regular annual business licensing fee except as provided in Section 5-1-7 of this Title.
(Ord. 2016-10, 07-06-16) (Ord. 2010-07, 06-15-2010) (Ord. 1988-19, 07-06-1988)

5-16-6. Duration of concession.

Each business license to each concessionaire shall expire on December 31 of each year regardless of the date of issuance.
(Ord. 2016-10, 07-06-16) (Ord. 2010-07, 06-15-2010) (Ord. 1988-19, 07-06-1988)

5-16-7. Temporary concessions. Repealed.

(Ord. 2010-07, 06-15-2010) (Ord. 1988-19, 07-06-1988)

5-16-8. Violations.

(1) Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.

(2) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 2024-22, 08-21-2024) (Ord. 2016-10, 07-06-16) (Ord. 1988-19, 07-06-1988)

CHAPTER 17. UNIFORM LOCAL SALES AND USE TAX ORDINANCE

5-17-1. Title.
5-17-2. Authority and purpose.
5-17-3. Effective date.
5-17-4. Sales tax.
5-17-5. Contract with state tax commission.
5-17-6. Penalties.

5-17-1. Title.

This chapter shall be known as the "Uniform Local Sales and Use Tax Code of the City of Tooele." (Ord. 90-03, 03-15-90)

5-17-2. Authority and purpose.

(1) The 48th session of the Utah legislature has authorized cities of the state of Utah to enact sales and use tax ordinances imposing a one percent tax.

(2) It is the purpose of this chapter to conform the sales and use tax of the city to the requirements of the Sales and Use Tax Act, Chapter 12 of Title 59, Utah Code Annotated, 1953, as amended. (Ord. 90-03, 03-15-90)

5-17-3. Effective date.

This chapter shall become effective 12:01 o'clock a.m., January 1, 1990. (Ord. 90-03, 03-15-90)

5-17-4. Sales tax.

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

(b) An excise tax is hereby imposed on the storage, use, or other consumption in this city of tangible personal property from any retailer on or after the operative date of this chapter at the rate of one percent of the sales price of the property.

(c) For the purpose of this chapter 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 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 the city 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.

(2) (a) 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 effect on the effective date of this chapter, 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 this chapter as though fully set forth herein.

(b) Wherever, and to the extent that in Chapter 12 of Title 59, Utah Code Annotated, 1953, the state of Utah is named or referred to as the taxing agency, the name of Tooele City shall be substituted therefor. Nothing in subparagraph (2) shall be deemed to require substitution of the name of Tooele 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, nor shall the name of Tooele City be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against Tooele City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.

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

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

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

(ii) 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 same transaction to any other municipality and any county in the state of Utah, under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax Act. (Ord. 90-03, 03-15-90)

5-17-5. Contract with state tax commission.

Prior to the effective date of this chapter, Tooele City has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of this chapter. (Ord. 90-03, 03-15-90)

5-17-6. Penalties.

Any person violating any provision of this chapter shall be deemed guilty of a class B misdemeanor and shall be punished as provided in Section 1-4-3. (Ord. 90-03, 03-15-90)

CHAPTER 18. UTILITY LICENSE TAX

5-18-1. Utility license tax required.
5-18-2. When payable.
5-18-3. Late filings.

5-18-1. Utility license tax required.

(1) There is hereby levied an annual license tax upon every business which provides, as a public utility, cable television services within Tooele City.

(2) Businesses which provide cable television services within Tooele City shall pay a license tax which shall be calculated as a percentage of gross revenue derived from the sale or use of public utility services; the rate of taxation shall be specified in the cable television franchise ordinance (Ord. 91-18).

(2) As used in this part:

(a) "Gross revenue" means the revenue derived from the sale and use of public utility services within Tooele City.

(b) "Public utility service" for purposes of this chapter means the sale and use of cable television services.

(Ord. 2004-08, 06-16-04); (Ord. 98-44, 12-16-98); (Ord. 97-26, 06-18-97); (Ord. 87-14, 07-30-87)

5-18-2. When payable.

The utility license tax shall be payable for each calendar quarter and shall be reported on forms prescribed by the Tooele City Finance Department. Remittance shall be made no later than the month end following the last month of the quarter.

(Ord. 97-26, 06-18-97); (Ord. 87-14, 07-30-87)

5-18-3. Late filing.

Late filings shall be subject to a five percent (5%) late filing fee.

(Ord. 97-26, 06-18-97); (Ord. 87-14, 07-30-87)

CHAPTER 18a. MUNICIPAL ENERGY AND USE TAX.

5-18a.1. Definitions
5-18a-2. Municipal Energy Sales and Use Tax.
5-18a-3. Exemptions from the Municipal Energy Sales and Use Tax.
5-18a-4. Tax Collection Contract with State Tax Commission.
5-18a-5. Incorporation of Part 1, Chapter 12, Title 59, Utah Code, Including Amendments.
5-18a-6. No Additional License to Collect the Municipal Energy Sales and Use Tax Required - No Additional License or Reporting Requirements.
5-18a-7. Effective Date.

5-18a-1. Definitions.

(1) "Consumer" means a person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.

(2) "Contractual Franchise Fee" means:

(a) a fee:

(i) provided for in a franchise agreement; and,

(ii) that is consideration for the franchise agreement; or,

(b) (i) a fee similar to subsection (2)(a); or,

(ii) any combination of subsections (2)(a) or (2)(b).

(3) (a) "Delivered Value" means the fair market value of the taxable energy delivered for sale or use in the
municipality and includes:

(i) the value of the energy itself; and,

(ii) any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality,

(b) "Delivered Value" does not include the amount of a tax paid under Part 1 or Part 2 of Chapter 12, Title 59 of the Utah Code Annotated.

(4) "Energy Supplier" means a person supplying taxable energy, except for persons supplying a de minimus amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

(5) "Franchise Agreement" means a franchise or an ordinance, contract, or agreement granting a franchise.

(6) "Franchise Tax" means:

(a) a franchise tax;

(b) a tax similar to a franchise tax; or

(c) any combination of subsections (a) or (b).

(7) "Person" includes any individual firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

(8) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

(a) installment and credit sales;

(b) any closed transaction constituting a sale; and,

(c) any transaction under which right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

(9) "Storage" means any keeping or retention of taxable energy in Tooele City for any purpose except sale in the regular course of business.

(10) (a) "Use" means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.

(b) "Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

(11) "Taxable Energy" means gas and electricity.
(Ord. 97-26, 06-18-97)

5-18a-2. Municipal Energy Sales and Use Tax.

There is hereby levied, subject to the provisions of this chapter, a tax on every sale or use of taxable energy made within Tooele City equaling six percent (6%) of the delivered value of the taxable energy to the consumer. This tax shall be known as the Municipal Energy Sales and Use Tax.

(1) The tax shall be calculated on the delivered value of the taxable energy to the consumer.

(2) The tax shall be in addition to any sales or use tax on taxable energy imposed by Tooele City authorized by Title 59, Chapter 12, Part 2 of the Utah Code Annotated, The Local Sales and Use Tax Act.
(Ord. 97-26, 06-18-97)

5-18a-3. Exemptions from the Municipal Energy Sales and Use Tax.

(1) No exemptions are granted from the Municipal Energy Sales and Use Tax except as expressly provided in Utah Code Ann. §10-1-305(2)(b); notwithstanding an exemption granted by §59-12-104 of the Utah Code.

(2) The following are exempt from the Municipal Energy Sales and Use Tax, pursuant to Utah Code Ann. §10-1-305(2)(b):

(a) sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;

(b) sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution, or the Utah Constitution;

(c) sales and use of taxable energy purchased or stored for resale;

(d) sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated.

(e) taxable energy brought into the state by a

nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;

(f) the sale or use of taxable energy for any purpose other than as a fuel or energy; and,

(g) the sale of taxable energy for use outside the boundaries of Tooele City.

(3) The sale, storage, use, or other consumption of taxable energy is exempt from the Municipal Energy Sales and Use Tax levied by this Chapter, provided:

(a) the delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by Title 59, Chapter 12, Part 3 of the Utah Code Annotated; and,

(b) Tooele City is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this Chapter, if the tax due under this Chapter exceeds the tax paid to the other municipality.

(Ord. 97-26, 06-18-97)

5-18a-4. Tax Collection Contract with State Tax Commission.

(1) On or before the effective date of this Chapter, Tooele City shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the Municipal Energy Sales and Use Tax, in accordance with this Chapter. The Mayor, with the approval by Resolution of the Tooele City Council and the Tooele City Attorney, is hereby authorized to enter into supplementary agreements with the State Tax Commission that may be necessary to the continued administration and operation of the Municipal Energy Sales and Use Tax Ordinance enacted by this Chapter.

(2) An energy supplier shall pay the Municipal Energy Sales and Use Tax revenues collected from consumers directly to Tooele City, monthly if:

(a) Tooele City is the energy supplier; or,

(b) (i) the energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals $1,000,000 or more; and,

(ii) the energy supplier collects the Municipal Energy Sales and Use Tax.

(3) An energy supplier paying the Municipal Energy Sales and Use Tax directly to Tooele City may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by §10-1-307(4), Utah Code Annotated.

(Ord. 97-26, 06-18-97)

5-18a-5. Incorporation of Part 1, Chapter 12, Title 59, Utah Code, Including Amendments.

(1) (a) Except as herein provided, and except insofar as they are inconsistent with the provisions of Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, as well as this Chapter, all of the provisions of Part 1, Chapter 12, Title 59 of the Utah Code Annotated 1953, as amended, and in force and effect on the effective date of this Chapter, insofar as they relate to sales and use taxes, excepting Sections 59-12-101 and 59-12-119 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this Chapter as if fully set forth herein.

(b) Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the "taxing agency," the name of Tooele City shall be substituted, insofar as is necessary for the purposes of that part, as well as Part 3, Chapter 1, Title 10, Utah Code Annotated 1953, as amended. Nothing in this subparagraph (b) shall be deemed to require substitution of the name Tooele City for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of Tooele City be substituted for that of the State in any section when the result of such a substitution would require action to be taken by or against Tooele City or any agency thereof, rather than by or against the State Tax commission in performing the functions incident to the administration or operation of this Chapter.

(c) Any amendments made to Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, which would be applicable to Tooele City for the purposes of carrying out this Chapter are hereby incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute.

(Ord. 97-26, 06-18-97)

5-18a-6. No Additional License to Collect the Municipal Energy Sales and Use Tax Required - No Additional License or Reporting Requirements.

No additional license to collect or report the Municipal Energy Sales and Use Tax levied by this Chapter is required, provided the energy supplier collecting the tax has a license issued under Section 59-12-106, Utah Code Annotated.

(Ord. 97-26, 06-18-97)

5-18a-7. Effective Date.

This Chapter is effective June 30, 1997. The Municipal Energy Sales and Use Tax shall be levied beginning 12:01 a.m., July 1, 1997.

(Ord. 97-26, 06-18-97)

CHAPTER 18b. MOBILE TELEPHONE SERVICE REVENUE ACT.
Repealed. (Ord. 2004-08, 06-16-04)

(Ord. 2000-27, 12-06-2000)

CHAPTER 18c. TELECOMMUNICATION SERVICE PROVIDERS TAX.

5-18c-1. Definitions.
5-18c-2. Levy of tax.
5-18c-3. Tax Rate.
5-18c-4. Rate limitation and exemption therefrom.
5-18c-5. Effective date of tax levy.
5-18c-6. Changes in Rate or Repeal of the Tax.
5-18c-7. Interlocal Agreement for collection of the tax.
5-18c-8. Procedures for taxes erroneously recovered from customers.
5-18c-9. Repeal of inconsistent taxes and fees.

5-18c-1. Definitions.

As used in this ordinance:

(1) “Commission” means the State Tax Commission.

(2) (a) Subject to Subsections (2) (b) and (c), "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.

(b) For purposes of this ordinance, "customer" means:

(i) the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or

(ii) if the end user is not the person described in Subsection (2) (b) (i), the end user of telecommunications service.

(c) "Customer" does not include a reseller:

(i) of telecommunications service; or

(ii) for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

(3) (a) “End user" means the person who uses a telecommunications service.

(b) For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

(4) “Gross Receipts attributed to the municipality” means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code Title 59, Chapter 12, Sales and Use Tax Act and determined in accordance with Utah Code section 59-12-207.

(5) “Gross receipts from telecommunications service” means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

(a) a tax, fee, or charge:

(i) imposed by a governmental entity;

(ii) separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and

(iii) imposed only on a telecommunications provider;

(b) sales and use taxes collected by the telecommunications provider from a customer under Title 59, Chapter 12, Sales and Use Tax Act; or

(c) interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

(6) "Mobile telecommunications service" is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(7) "Municipality" means Tooele City Corporation.

(8) "Place of primary use":

(a) for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:

(i) the residential street address of the customer; or

(ii) the primary business street address of the customer; or

(b) for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(9) Notwithstanding where a call is billed or paid, "service address" means:

(a) if the location described in this Subsection (9) (a) is known, the location of the telecommunications equipment:

(i) to which a call is charged; and

(ii) from which the call originates or terminates;

(b) if the location described in Subsection (9) (a) is not known but the location described in this Subsection (9) (b) is known, the location of the origination point of the signal of the telecommunications service first identified by:

(i) the telecommunications system of the telecommunications provider; or

(ii) if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or

(c) if the locations described in Subsection (9) (a) or (b) are not known, the location of a customer's place of primary use.

(10) (a) Subject to Subsections (10) (b) and (10) (c), "telecommunications provider" means a person that:

(i) owns, controls, operates, or manages a telecommunications service; or

(ii) engages in an activity described in Subsection (10) (a) (i) for the shared use with or resale to any person of the telecommunications service.

(b) A person described in Subsection (10) (a) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:

(i) that person; or

(ii) the telecommunications service that the person owns, controls, operates, or manages.

(c) "Telecommunications provider" does not include an aggregator as defined in Utah Code Section 54-8b-2.

(11) "Telecommunications service" means:

(a) telephone service, as defined in Utah Code Section 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and

(b) mobile telecommunications service, as defined in Utah Code Section 59-12-102:

(i) that originates and terminates within the boundaries of one state; and

(ii) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

(Ord. 2004-08, 06-16-04)

5-18c-2. Levy of tax.

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality.
(Ord. 2004-08, 06-16-04)

5-18c-3. Tax Rate

The rate of the tax levy shall be 3.5% of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality. If the location of a transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications services shall be determined pursuant to the provisions of Utah Code Section 10-1-407.
(Ord. 2007-14, 04-04-2007); (Ord. 2004-08, 06-16-04)

5-18c-4. Rate limitation and exemption therefrom.

This rate of this levy shall not exceed 4% of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality that vote in:

(a) a municipal general election;

(b) a regular general election; or

(c) a local special election.

(Ord. 2004-08, 06-16-04)

5-18c-5. Effective date of tax levy.

This tax shall be levied beginning July 1, 2004.
(Ord. 2004-08, 06-16-04)

5-18c-6. Changes in Rate or Repeal of the Tax.

This ordinance is subject to the requirements of Utah Code Section 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah Code Section 10-1-403.
(Ord. 2004-08, 06-16-04)

5-18c-7. Interlocal Agreement for collection of the tax.

On or before the effective date of the ordinance, the municipality shall enter into the uniform interlocal agreement with the Commission as described in Utah Code Section 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax;
(Ord. 2004-08, 06-16-04)

5-18c-8. Procedures for taxes erroneously recovered from customers.

Pursuant to the provisions of Utah Code Section 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunication license tax except as provided in Utah Code Section 10-1-408.
(Ord. 2004-08, 06-16-04)

5-18c-9. Repeal of inconsistent taxes and fees.

Any tax or fee previously enacted by this municipality under authority of Utah Code Section 10-1-203 or Utah Code Title 11, Chapter 26, Local Taxation of Utilities Limitation is hereby repealed.
(Ord. 2004-08, 06-16-04)

CHAPTER 19. FRANCHISE TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY

5-19-1. Twenty five (25) year franchise to maintain equipment in public rights of way.
5-19-2. Company subject to regulations of city.
5-19-3. City has right to maintain fire alarm and police systems upon company poles.
5-19-4. Permit necessary to move structures which interfere with company equipment.
5-19-5. Company waives no previous rights obtained to maintain equipment on public rights of way.
5-19-6. Repealed.
5-19-7. Payments in lieu of all other taxes.
5-19-8. Provisions for publication.
5-19-9. Conflicting ordinances repealed.

5-19-1. Twenty-five (25) year franchise to maintain equipment in public rights of way.

There is hereby granted to the Mountain States Telephone and Telegraph Company, a corporation, its successors and assigns, for a period of twenty-five (25) years from and after the effective date of this Ordinance, the right and privilege to construct, erect, operate and maintain in, upon, along, across, above, under and over the streets, alleys, public ways and public places, now or hereafter laid out or dedicated, and all extensions thereof and additions thereto in the City of Tooele, poles, wires, cables, underground conduits, manholes and other fixtures and equipment necessary or proper for the maintenance and operation in said City of a telephone exchange and lines connected therewith; provided, however, that no poles or other fixtures shall be placed where the same will interfere with any gas mains, electric light or power lines, water hydrant or water main; and all such poles or other fixtures placed on any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed close to the line of the lot abutting on said alleys; such equipment or fixtures in any event shall be placed in such a manner as not to interfere with the usual travel on said streets, alleys and public ways. (Ord. 83-22, 12-07-83)

5-19-2. Company subject to regulations of city.

During the life of this franchise, the Company shall be subject to all lawful exercises of the police power by the City and to such reasonable regulations thereunder as the City may by Ordinance thereafter provide. It is expressly understood and agreed by and between the said Company and the City that the Company shall save the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever resulting from negligence on the part of the Company in the construction and maintenance of its telephone system in the City. The City shall notify the Company's representative within five (5) days after the presentation of any claim or demand, either by suit or otherwise made against the City on account of any negligence as aforesaid on the part of the Company. (Ord. 83-22, 12-07-83)

5-19-3. City has right to maintain fire alarm and police systems upon company poles.

The City shall have the right and privilege during the life of this franchise, without charge, where aerial construction of said Company exists, to place and maintain upon the poles of said Company within the corporate limits, wires and fixtures necessary for police and fire alarm systems, such wires and fixtures to be placed and maintained under the supervision of the Company. The City in its use and maintenance of such wires and fixtures shall at all times comply with the rules and regulations of the Company, and the provisions of the latest edition of the National Electrical Safety Code as that there may be minimum danger of contact or conflict between the wires and fixtures of the Company and the wires and fixtures of the City. It is further agreed, in order to avoid danger to life and property, that the above privilege is granted on conditions that no such police or fire alarm wires or fixtures of the City shall be placed on poles carrying electric light or power wires, nor shall said police or fire alarm wires or other fixtures be exposed, without the consent of the Company to the danger of contact with any conductor carrying a voltage greater than the normal telephone voltage. The City shall be solely responsible for all injury to persons or damage to property arising out of the construction or maintenance of said police and fire alarm fixtures, or arising out of the attachment, maintenance or removal of said wires and fixtures to the poles of the Company. In cases or re-arrangement of the Company's plant or removal of poles or fixtures, the City shall care for or remove its own fixtures, and shall save the Company harmless from any damage or injury to persons or property, including property of the City, arising out of the removal or construction of its wires or other fixtures. (Ord. 83-22, 12-07-83)

5-19-4. Permit necessary to move structures which interfere with company equipment.

Any person or corporation desiring to move a building or other improvement along, or to make any unusual use of the streets, alleys and public ways of the City which, in movement or use would interfere with the poles, wires or other fixtures of the Company or the

City, shall first give notice to the Company of the City, as the case may be, and shall pay to the Company or the City, as the case may be, a sum sufficient to cover the expenses and damage incident to the cutting, altering and moving the wires or other fixtures of the Company or the City, and shall make application for a permit from the City for such movement or use. Before a permit is given to the City therefor, the applicant shall present a receipt from the Company showing such payment. Thereupon, the Company, upon presentation of the said permit, shall within forty-eight (48) hours thereafter provide for and do such cutting, altering and moving of the wires or other fixtures of said Company as may be necessary to allow such moving or other unusual use of the streets, alleys and public ways of the City. (Ord. 83-22, 12-07-83)

5-19-5. Company waives no previous rights obtained to maintain equipment on public rights of way.

It is expressly understood and agreed by the City that the enactment of this Franchise and its acceptance by the Company was and is made upon the express condition and understanding that neither the said enactment or the grant or acceptance of this franchise shall constitute a waiver upon the part of the Company of any rights or claims had or made by said Company with respect to the occupancy of the streets, alleys and public places of the City under the law of the Territory of Utah and under the constitutional and general statutes of the State of Utah, nor shall anything in this franchise in anyway prejudice or impair any rights or claims existing independently of this franchise of said Company or its predecessors or successors with respect to the construction, operation and maintenance, either before or after the life of this franchise, or a telephone system in said City. (Ord. 83-22, 12-07-83)

5-19-6. Repealed.

(Ord. 83-22, 12-07-83)

5-19-7. Payments in lieu of all other taxes.

In consideration of the payments hereinabove provided for, it is expressly understood and agreed by the City and the Company that the payments so provided in Section 5-13-6 hereof shall be in lieu of any and all other franchise, license, privilege, occupation, or any other form of excise or revenue tax (except general and valorem property taxes and special assessment for local improvements), based upon or measured by the revenue, employees, payroll, property, poles, wires, instruments, conduits, pipes, fixtures or other appurtenances of the Company, and all other property or equipment of the Company or any part thereof; provided that said payments shall continue only so long as the Company is not prohibited from making the same by any lawful authority having jurisdiction in the premises, and so long as the City does not charge, levy or collect, or attempt to charge, levy or collect any of the forms of taxes specified above in this paragraph; and if any lawful authority having jurisdiction in the premises shall hereafter prohibit such payment or payments, or if the City does levy, charge or collect or attempt to levy, charge or collect any of the forms of taxes specified in this paragraph, the obligation to make such payments as hereinabove provided shall forthwith cease. (Ord. 83-22, 12-07-83)

5-19-8. Provisions for publication.

This ordinance shall be deposited in the office of the City Recorder of the City of Tooele and shall be published once in a daily newspaper published in said City within seven (7) days after filing, and shall be in full force and effect on the ____ day of _____, 19__, provided the Company, within thirty (30) days after the passage and approval of this ordinance shall have filed with the City Council of the City of Tooele, Utah, an unconditional acceptance thereof in writing. Within ten (10) days after the filing of said acceptance, the City Recorder, by letter addressed to the Secretary of said Company at Denver, Colorado, shall acknowledge the receipt of said acceptance. (Ord. 83-22, 12-07-83)

5-19-9. Conflicting ordinances repealed.

All ordinances in conflict herewith are expressly repealed. (Ord. 83-22, 12-07-83)

CHAPTER 20. ALCOHOL LICENSES

5-20-1. Definitions.
5-20-2. Unlawful to engage in alcohol sales without a license.
5-20-3. Beer licenses classified. Repealed.
5-20-4. Class A retailer license. Repealed.
5-20-5. Class B restaurant license. Repealed.
5-20-6. Class C tavern license. Repealed.
5-20-7. Class D private facility license. Repealed.
5-20-8. Class E public facility license. Repealed.
5-20-9. Class F brewery license. Repealed.
5-20-10. Combination B and C license. Repealed.
5-20-11. Special event permit.
5-20-12. Liquor license - General requirements. Repealed.
5-20-13. Application for license - General requirements. Repealed.
5-20-14. Referral to police department. Repealed.
5-20-15. Grounds for denial. Repealed.
5-20-16. Approval or denial of license - Appeals. Repealed.
5-20-17. License renewals. Repealed.
5-20-18. Transfer of license. Repealed.
5-20-19. License fees. Repealed.
5-20-20. Health Department.
5-20-21. Class C tavern license restriction. Repealed.
5-20-22. Expiration of license. Repealed.
5-20-23. Display of licenses. Repealed.
5-20-24. Inspection of business premises by police department.
5-20-25. License suspension - Appeals. Repealed.
5-20-26. License revocation - Appeals. Repealed.
5-20-27. Unlawful to sell beer or liquor without license. Repealed.
5-20-27a. Unlawful to sell beer or liquor to minors. Repealed.
5-20-27b. Unlawful for minor to sell beer or liquor. Repealed.
5-20-27c. Unlawful to fail to notify law enforcement of criminal activity. Repealed.
5-20-28. Unlawful to allow consumption of liquor without license. Repealed.
5-20-29. Unlawful to consume liquor at unlicensed establishment. Repealed.
5-20-30. Unlawful to store liquor. Repealed.
5-20-31. Minimum light and open view required in licensed premises. Repealed.
5-20-32. Presence of minors in certain establishments prohibited. Repealed.
5-20-33. Unlawful to permit minors in a class C establishment. Repealed.
5-20-34. Presence of minors in lounge or bar areas. Repealed.
5-20-35. Unlawful to permit intoxicated person on licensed premises. Repealed.
5-20-36. Sale or disposition of beer between certain hours unlawful. Repealed.
5-20-37. Sanctions. Repealed.
5-20-38. Regulation of kegs and other large containers. Repealed.

5-20-1. Definitions.

The words and phrases used in this Chapter shall have the meanings given them by Utah Code §32B-1-102, as amended.

(Ord. 2023-08, 03-15-2023) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-2. Unlawful to engage in alcohol sales without a license.

It shall be unlawful for any person to engage in the business of the sale of beer, wine, liquor, or other regulated alcoholic beverage in Tooele City without first having procured a business license from Tooele City under Chapter 5-1, or a special event permit under Chapter 8-20, and a license or permit from the State of Utah under UCA Title 32B, each as applicable, for each place of sale.

(Ord. 2023-08, 03-15-2023) (Ord. 2005-09, 05-18-2005) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-3. Beer licenses classified. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-4. Class A retailer license. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-5. Class B restaurant license. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-6. Class C tavern license. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-7. Class D private facility license. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-8. Class E public facility license. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-9. Class F brew pub license. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-10. Combination B and C license. (Repealed)

(Ord. 2023-08, 03-15-2023)

5-20-11. Special Event permit.

A person or entity obtaining a Tooele City special event permit shall be required to obtain a Tooele City business license under this Chapter only as required by

Chapter 8-16.
(Ord. 2023-08, 03-15-2023) (Ord. 2017-16, 05-17-2017) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-12. Liquor license. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-13. Application for license; general requirements. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-14. Referral to police department. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-15. Grounds for denial. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-16. Approval or denial of license; appeal. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-17. License renewals. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-18. Transfer of license. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-19. License fees. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-20. Health Department.

A person or entity licensed under this Chapter shall comply with all applicable State of Utah and County of Tooele Health Department regulations.
(Ord. 2023-08, 03-15-2023) (Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1999-02, 01-20-1999)

5-20-21. Class C tavern license restriction. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-22. Expiration of license. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-23. Display of licenses. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-24. Inspection of business premises by police department.

As an express condition of City business license approval, each licensee under this Chapter agrees that the Police Department shall be permitted to have access to all establishments licensed pursuant to this Chapter, during the establishment's advertized or otherwise commonly understood hours of operation.
(Ord. 2023-08, 03-15-2023) (Ord. 2019-26, 11-20-2019) (Ord. 2002-05, 04-03-2002) (Ord. 1985-01, 02-26-1985)

5-20-25. License Suspension. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-26. License Revocation. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-27. Unlawful to sell beer or liquor without license. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-27a. Unlawful to sell beer or liquor to minors. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-27b. Unlawful for minor to sell beer or liquor. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-27c. Unlawful to fail to notify law enforcement of criminal activity. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-28. Unlawful to allow consumption of liquor without license. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-29. Unlawful to consume liquor at unlicensed establishment. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-30. Unlawful to store liquor. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-31. Minimum light and open view required in licensed premises. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-32. Presence of minors in certain establishments prohibited. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-33. Unlawful to permit minors in a Class C establishment. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-34. Presence of minors in lounge or bar areas unlawful. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-35. Unlawful to permit intoxicated person on licensed premises. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-36. Sale or disposition of beer between certain hours unlawful. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-37. Sanctions. (Repealed)
(Ord. 2023-08, 03-15-2023)

5-20-38. Regulation of kegs and other large containers. (Repealed)
(Ord. 2023-08, 03-15-2023)

CHAPTER 21. TOWING COMPANIES

5-21-1. Purpose and intent.
5-21-2. License required.
5-21-3. Definitions.
5-21-4. Insurance, renewal and denial of license.
5-21-5. Fees.
5-21-6. Rates and charges.
5-21-7. Accountability and inspection.
5-21-8. Notice requirements.
5-21-9. Regulations.
5-21-10. Revocation or suspension.
5-21-11. Violations.

5-21-1. Purpose and intent.

(1) It is hereby declared by the Tooele City Council that, pursuant to the authority granted by state law and the city charter, in order to protect the public, to protect the rights of persons whose cars may be towed, and to preserve the peace of the community, the licensing and regulation of business enterprises engaged in the practice of towing, removing, and storing of motor vehicles from public rights-of-way and from private property are matters affecting the public interest, and any person desiring to conduct such a business enterprise shall be required to obtain a business license and to obey the regulations of this Chapter and this Title.

(2) The purpose of this Chapter is, further, to provide a uniform system for the licensing and regulation of business enterprises which are engaged in or which intend to engage in the practice of towing, removing, and storing of motor vehicles which are parked illegally or dangerously in the public right-of-way or which are parked on private property, allegedly without permission of the owner of the private property, or parked allegedly beyond the time paid for or authorized.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-2. License required.

(1) It shall be unlawful for any business enterprise to engage in the business of towing, removing, and storing of motor vehicles, which are parked illegally or dangerously in the public right-of-way or which are parked on private property without the permission of the owner of the private property, without first having secured a business license from the city to do so, if the business has a business location in Tooele City.

(2) There is no requirement that employees of such business enterprise have a business license otherwise required by this Title. The business enterprise itself shall apply for, obtain, and maintain the business license.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-3. Definitions.

As used in this Chapter :

(1) "Business Enterprise" means a unit of economic organization or activity in the form of person, firm, partnership, corporation, trust, association, or other business entity.

(2) "Property Owner" means any person in lawful possession of private property, including but not limited to the legal title holder, lessee, or property manager. In no case shall any owner, operator, or agent of a business enterprise engaged in the towing of vehicles be considered a property owner unless they are the legal title holder or in possession of said property.

(3) "Removing" means the act of changing, by towing, the location of a parked vehicle from its location in the public right-of-way or on private property to a storage site.

(4) "Storing" means to place and to leave a towed vehicle at a site where a business enterprise exercises control and supervision over the vehicle.

(5) "Towing" means drawing or pulling a vehicle by means of another vehicle equipped with booms, car carriers, winches, or other similar equipment.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-4. Issuance, renewal and denial of license.

(1) The Department, in consultation with the Police Department, shall approve the issuance or renewal of a business license hereunder where the Department finds:

(a) that the applying business enterprise does not have as an officer, director, partner, manager, or sole proprietor,, a person who is or was an officer, director, partner, manager, or sole proprietor of a business enterprise which has had its towing license revoked by action of Tooele City within five years of the date of application, or who has been convicted of any theft-related crime or a crime involving violence within seven years of the date of the application; and,

(b) that the tow or storage yard has been inspected and found to be in compliance with the requirements of this Chapter, the fire code, and all other applicable state and local laws and regulations.

(2) A business license issued or renewed pursuant to the provisions of this Title shall not be assignable or transferable from one business enterprise to another business enterprise.

(3) The business license shall remain valid through December 31st of any given year unless sooner revoked or suspended.

(Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-5. Fees.

In accordance with the policy of the City, the costs of the enforcement of laws regulating towing businesses shall be borne by the business license applicant, licensee, or permittee, and current costs shall be

reflected in the fees required for such license or permit. (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-6. Rates and charges.

It shall be unlawful to:

(1) Tow or remove or store a vehicle unless the business enterprise shall file and keep on record with the Department and the Police Department a complete copy of the current rates charged for the towing and storage of vehicles and copies of all written contracts or agreements between the business enterprise and property owners which relate to the towing and removal of vehicles.

(2) Tow or remove or store a vehicle unless the current rates charged for the towing and storage of vehicles are posted in an open and conspicuous public place on the premises from which the vehicle is removed and of the business enterprise doing the towing.

(3) Pay or rebate money, or solicit or offer the payment or rebate of money, or other valuable consideration, to property owners for the privilege of towing or removing vehicles from their property.

(Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-7. Accountability and inspection.

A record of all towing and storage transactions relating to the impounding of vehicles from private property shall be maintained and kept on file in the office of the business enterprise. Such records shall include consecutively numbered receipts for all transactions, and shall be available for inspection during normal working hours of the business by the Department or the Police Department.

(Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-8. Notice requirements.

It shall be unlawful to tow or remove or store a vehicle unless notice is posted on the private property from which the towing, removing, or storing is made. Such notice shall fulfill the requirements of state law.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-9. Regulations.

It shall be unlawful to:

(1) Tow or remove or store a vehicle except upon the express written authorization issued to the business enterprise by the person in lawful possession of the private property or his agent or employee. Such authorization shall include the make, model, and license number of the vehicle to be towed and shall be signed by the property owner or his agent or employee immediately prior to or at the time of towing.

(2) Tow or remove or store a vehicle where the registered owner or other legally authorized person in control of the vehicle arrives at the scene of potential towing prior to towing or removal and promptly removes the vehicle or establishes authorization for the vehicle's presence.

(3) Tow or remove a vehicle occupied by a person or persons.

(4) Tow or remove or store a vehicle unless the towing business enterprise notifies the city police department immediately upon arrival at the garage. Such notification shall include the storage site, the time the vehicle was towed or removed, and the make, model, color, license plate number and vehicle identification number of the vehicle. The person making the notification shall obtain the name of the person at the police department to whom such information was reported and indicate the name on a trip record, together with an indication of the date and time of the day in hours and minutes that the vehicle was removed, and the authorizing party.

(5) Tow or remove or store a vehicle unless the vehicle is towed directly to the business enterprise's garage or yard, not including any temporary holding or public area.

(6) Store a vehicle in a garage or yard located further than 5 miles from the point of removal unless no closer facility is available. If no garage or yard is located within a 5-mile radius of the point of removal, the closest available garage shall be utilized; however, in no case shall a vehicle be towed further than 10 miles from the point of tow. If the business enterprise doing the towing owns no garage or yard within 5 miles, any other available storage garage or yard within 5 miles may be used.

(7) Store a vehicle in a building or fenced area that does not comply with the following requirements:

(a) If stored in an area other than a building, the yard shall be surrounded on all sides by a fence of approved construction not less than 6 feet high and maintained in good condition.

(b) The business name, address, and telephone number shall be displayed on the exterior of such building or fence in such a manner to be visible for 50 feet and in compliance with city sign ordinances.

(c) Exterior portions of such business must be maintained free of oil, parts, and wash.

(d) No vehicle or part thereof may be placed closer than 2 feet from any fence or wall.

(e) Tow or remove or store a vehicle without 24-hour telephone access and vehicle release availability. During nonbusiness hours, tow companies shall not be required to release vehicles except upon request of a police supervisor.

(Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-10. Revocation or suspension.

In addition to the grounds enumerated elsewhere in this Chapter and in Chapter 1 of this Title, in the event that any person holding a license or permit issued

pursuant to this Chapter is convicted of any of those crimes enumerated in Section 4 of this Chapter or repeatedly fails to comply with city or state vehicle code regulations regarding towing and storage of vehicles, the Director may, in addition to other penalties provided by this Code, suspend or revoke the business license or permit.
(Ord. 2019-26, 11-20-2019) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

5-21-11. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.
(Ord. 2024-22, 08-21-2024) (Ord. 2016-12, 07-06-2016) (Ord. 1988-27, 09-07-1988)

CHAPTER 22. ICE CREAM TRUCKS

5-22-1. Definitions.
5-22-2. Duty of approaching vehicles.
5-22-3. License and insurance.
5-22-3.1. Application for license.
5-22-3.2. License Fee.
5-22-3.3. Review of application and issuance of license.
5-22-3.4. Denial of license and right of appeal.
5-22-3.5. Photographs and identity badges.
5-22-4. Required equipment.
5-22-5. Inspection.
5-22-6. Restrictions.
5-22-7. Backing restricted.
5-22-8. Violations.

5-22-1. Definitions.

(1) "Ice cream truck" means every motor vehicle in which ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for purposes of retail sale on the city streets.

(2) "Vend" or "vending" means offering ice cream, popsicles, ice sherbets or frozen desserts for sale from a motor vehicle on the city streets.

(3) "Operator" includes every person, firm or corporation who operates, or who owns, leases, contracts or in any other fashion permits a person to operate, any ice cream truck for the purpose of vending.
(Ord. 1988-22, 10-05-1988)

5-22-2. Duty of approaching vehicles.

A driver of a vehicle meeting or overtaking from either direction an ice cream truck stopped on the street may proceed past such truck at a reasonable and prudent speed, not exceeding fifteen miles per hour, and shall yield the right-of-way to any pedestrian who crosses the roadway to or from the ice cream truck.
(Ord. 1988-22, 10-05-1988)

5-22-3. License and insurance.

(1) It shall be unlawful to vend from an ice cream truck without having a business license therefor.

(2) No business license shall be issued to a vendor selling from an ice cream truck unless a certificate is furnished to the City showing that the vendor is carrying the following minimum amounts of insurance: public liability insurance in an amount of not less than $1 million for injuries, including those resulting in death, resulting from any one occurrence and on account of any one accident; property damage insurance in an amount of not less than $100,000 for damages on account of any one accident or occurrence.

(3) Certificates shall contain an agreement signed by the insurance company that prior to modification, cancellation, or termination of the subject policy, written notice shall be sent to the Department by the insurance company.
(Ord. 2019-26, 11-20-2019) (Ord. 2016-11, 07-06-16) (Ord. 2012-37, 12-05-2012) (Ord. 1988-22, 10-05-1988)

5-22-3.1. Application for license.

All applications for a license under this Chapter shall be made to and upon forms provided by the Department. Each application form shall require disclosure and reporting by the applicant of the following information:

(1) contact information, including the applicant's true, correct, and legal name; the applicant's telephone number, home address, and mailing address; and, the address to which all notices are to be sent;

(2) proof of identity by a valid driver license issued by any state;

(3) proof of permitting, as applicable, by the Department of Health of the state of Utah and Tooele County;

(4) responses to the following questions regarding disqualifying conditions as follows:

(a) has the applicant been criminally convicted of felony homicide, physically abusing, sexually abusing, or exploiting a minor, sale or distribution of controlled substances, or sexual assault of any kind?

(b) are any criminal charges currently pending against the applicant for felony homicide, physically abusing, sexually abusing, or exploiting a minor, sale or distribution of controlled substances, or sexual assault of any kind?

(c) has the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of moral turpitude, or violent or aggravated conduct involving persons or property?

(d) is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction?

(5) execution and affirmation under oath and on penalty of perjury that based on the applicant's present information and belief the information provided is complete, truthful, and accurate; and,

(6) a copy of the applicant's current criminal history on file at the Utah Department of Public Safety Bureau of Criminal Identification. The criminal history is classified as a private and protected record.
(Ord. 2019-26, 11-20-2019) (Ord. 2012-37, 12-05-2012)

5-22-3.2. License Fee.

The license fee shall be that established in Section 5-1-10 (License fees).
(Ord. 2012-37, 12-05-2012)

5-22-3.3. Review of application and issuance of license.

(1) Within five business days of receipt of the completed application and applicable documentation,

the Department shall review the application for completeness and shall take such other reasonable action to verify the information appearing on the application.

(2) The Department shall issue a business license to the applicant if the information is complete and verified and the license fee has been paid, and if no disqualifying condition exists.

(3) The license shall show the name of the licensee and the business permitted to be carried on thereunder and the date of expiration of such license.

(4) Licenses issued pursuant to this Chapter shall expire on December 31 of each year.

(Ord. 2019-26, 11-20-2019) (Ord. 2012-37, 12-05-2012)

5-22-3.4. Denial of license and right of appeal.

(1) The Department shall refuse to issue a license to an applicant for any of the following disqualifying conditions:

(a) the information submitted by the applicant is incomplete, incorrect, or misrepresented;

(b) the applicant has answered affirmatively to any of the questions set forth in Section 5-22-3.1(4); or,

(c) the applicant fails to pay the requisite license and identify badge fees.

(2) (a) Any applicant whose application has been denied can file a written appeal with the Director within ten days after the denial. The appeal need not be on a particular form, but must state the specific basis of the appeal. The Director shall promptly issue a written decision.

(b) An applicant whose appeal has been denied by the Director may appeal to the Administrative Hearing Officer, pursuant to Chapter 1-28, by filing with the City Recorder a written appeal within ten days after the Director's denial.

(Ord. 2019-26, 11-20-2019) (Ord. 2012-37, 12-05-2012)

5-22-3.5. Photographs and identity badges.

Before commencing work, each ice cream truck driver shall:

(1) furnish to the Department two recent photographs, one of which shall be affixed to the identity badge issued to the licensee and the other of which shall be retained in the records of the Department;

(2) obtain an identity badge from the Department at a cost of $10.00 in addition to the license fee, and wear the identity badge at all times while vending from an ice cream truck; and,

(3) obtain a new identity badge each year that the ice cream truck business is licensed.

(Ord. 2019-26, 11-20-2019) (Ord. 2016-11, 07-06-16) (Ord. 2012-37, 12-05-2012)

5-22-4. Required equipment.

In addition to other equipment required by law, every ice cream truck shall be equipped with:

(1) Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. These lamps shall be five to seven inches in diameter and shall display two alternately flashing amber lights visible from the front and rear of the vehicle, both lights visible at 500 feet in normal sunlight upon a straight and level street.

(2) A convex mirror mounted on the front so the driver in a normal seating position can see the area in front of the truck obscured by the hood.

(Ord. 2012-37, 12-05-2012) (Ord. 1988-22, 10-05-1988)

5-22-5. Inspection.

Every ice cream truck shall be subject to City inspection once each year prior to its use in the City for the purpose of determining whether it complies with this Chapter and other applicable state and local laws.

(Ord. 2012-37, 12-05-2012) (Ord. 1988-22, 10-05-1988)

5-22-6. Restrictions.

(1) A person shall vend only when the ice cream truck is lawfully stopped.

(2) A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or side of the street.

(3) A person shall not vend to a person standing in the roadway.

(4) A person shall not stop on the left side of a one-way street to vend.

(Ord. 1988-22, 10-05-1988)

5-22-7. Backing restricted.

The driver of an ice cream truck shall not back the truck in order to make or attempt to make a sale.

(Ord. 2016-11, 07-06-16) (Ord. 2012-37, 12-05-2012) (Ord. 1988-22, 10-05-1988)

5-22-8. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2024-22, 08-21-2024) (Ord. 2012-37, 12-05-2012) (Ord. 1988-22, 10-05-1988)

CHAPTER 23. SEXUALLY ORIENTED BUSINESSES

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5-23-1. Title for Citation.

The ordinance codified in this Chapter shall be known as the "Sexually Oriented Business Ordinance."
(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-2. Purpose.

This Chapter establishes reasonable and uniform regulations governing the time, place, and manner of operation of sexually oriented businesses within Tooele City. Its purpose is to prevent or control the deleterious secondary effects associated with sexually oriented businesses. The provisions of this Chapter are not designed to regulate the content of constitutionally protected speech or unreasonably restrict access to legal sexually-oriented entertainment.
(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-3. Legislative finding.

The Tooele City Council makes the following legislative findings:

(1) Sexually oriented businesses are associated with numerous secondary effects which include but are not limited to the following:

(a) increased rates of crime against persons and property (robberies, assaults, etc.) in neighborhoods in which sexually oriented businesses are located; [1]

(b) increased rates of prostitution, sexual assault, and other sexually-related crimes, including the use of public and quasi-public areas such as parking lots, alleys, and alcoves for illicit sexual conduct;[2]

(c) the acceleration of blight within neighborhoods in which sexually oriented businesses are located;[3]

(d) the degradation of property values of properties surrounding sexually oriented businesses;[4]

(e) the appearance of commercial "dead zones" and the proliferation of vacancies in business districts surrounding sexually oriented businesses ;[5]

(f) unsanitary, unhealthy conditions on the premises of sexually oriented businesses and the spread of sexually transmitted diseases, including AIDS and other diseases transmitted through contact with bodily fluids;[6] and,

(g) the attraction of undesirable transient populations seeking opportunities to engage in illicit

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[1] *see* Report to the American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses (1996) Adult Entertainment Businesses in Indianapolis, an Analysis (1984) Report on Adult Oriented Businesses in Austin (1986) Final Report to the City of Garden Grove: The Relationship Between Crime and Adult business Operations on Garden Grove Boulevard (1991) Adams County Nude Entertainment Study (Colorado 1991).

[2] Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area (1994) Adult Cabarets, Factual Record (Phoenix, Arizona 1997) Quality of Life: A Look At Successful Abatement of Adult Oriented Nuisances in Oklahoma City (Oklahoma 1984-89).

[3] Relationship between Crime and Adult Business Operations of Garden Grove Boulevard (1986) Des Moines (Iowa) Adult Use Study (1984) Adult Entertainment Study, City of New York (1994).

[4] An analysis of the Relationship Between Adult Entertainment Establishments, Crime, and Housing Values (Minneapolis 1980) The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard; Report on Adult Oriented Businesses in Austin (Texas 1986) Adult Businesses in Indianapolis (Indiana 1984).

[5] Study and Recommendations for Adult Entertainment Businesses in the Town of Islip (New York, 1980) Des Moines (Iowa)Adult Use Study (1984).

[6] Adult Cabarets, Factual Record (Phoenix, Arizona 1997).

behavior.[7]

(2) These negative secondary effects raise issues of substantial governmental concern.

(3) Imposing narrowly tailored licensing requirements upon sexually oriented businesses and their owners, operators, and employees is an appropriate and reasonable means of enforcing regulatory controls aimed at addressing secondary effects.

(4) Requiring owners, operators, performers, and other key employees in sexually oriented businesses to make certain disclosures which are substantially related to the government's significant interest in preventing criminal activity and controlling the spread of disease.

(5) Imposing interior design requirements upon sexually oriented businesses will assist managers in supervising the activities of patrons and employees, thereby helping prevent illicit behavior from occurring on the premises.

(6) Studies have shown that when multiple sexually oriented businesses are located in close proximity to each other, the impact of secondary effects on the surrounding neighborhood is intensified and multiplied.[8]

(7) Imposing reasonable distance requirements between sexually oriented business locations is an appropriate means of preventing the concentration of secondary effects.

(8) It is appropriate and reasonable to limit sexually oriented businesses to zones in which they are least likely to negatively impact residential neighborhoods, children, or retail commercial activities; zoning restrictions should be crafted in such a way as to minimize the impact of secondary effects upon vulnerable populations without unreasonably restricting access to those seeking legal sexually oriented entertainment or materials.

(9) Sexual acts, including masturbation and oral sex, frequently occur in booths and other unregulated spaces within sexually oriented businesses; this results in the accumulation of semen and creates unsanitary conditions.

(10) AIDS, syphilis, and gonorrhea are spread primarily through sexual contact.

(11) Prohibiting sexual acts, regulating other forms of physical contact between employees and patrons, and requiring the elimination of certain closed spaces within sexually oriented businesses will reduce risks to the public health.

(12) The following cases establish parameters for the regulation of sexually oriented businesses:

Young v. American Mini Theatres, 427 US 50 (1976) City of Renton v. Playtime Theatres, 475 US 41 (1986) FW/PBS, Inc. v. City of Dallas, 493 US 215 (1990) Barnes v. Glen Theatre, Inc., 501 US 560 (1991) City of Erie v. Pap's A.M., 529 U.S. 277 (2000) American Target Advertising, Inc. v. Giani, 199 F.3d 1241 (10th cir. 2000) Dodgers Bar & Grill v. Johnson County, 32 F.2d 1281 (10th Cir. 1994). (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-4. Definitions.

(1) "Adult Arcade" shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing "specified sexual activities" or "specified anatomical areas."

(2) "Adult Bookstore, Adult Novelty Store or Adult Video Store" shall mean any commercial establishment which has a significant or substantial portion of its stock-in-trade, derives a significant or substantial portion of its revenues, devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space to the sale or rental of any one or more of the following in exchange for any form of consideration:

(a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas;"

(b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use.

(3) "Adult Cabaret" shall mean any club, bar, juice bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features any of the following:

(a) persons who appear in a state of semi-nudity;

(b) live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities";

(c) films, motion pictures videocassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."

(4) "Adult Motel" shall mean any motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, digital recordings, photographic reproductions, or other similar materials which are characterized by their emphasis upon the exhibition or description of "specified sexual

[7]Report on Adult Oriented Businesses in Austin, Texas (1986) Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area (1999) Proposed Land Use Code Text Amendments, Adult Cabarets (Seattle, 1989), *citing* City of Bothel Police Dept. Investigations (1984) Report To: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses (1996).

[8]Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (Minnesota 1989).

activities" or "specified anatomical areas" and which regularly advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television, and (b) offers a sleeping room or rooms for rent for a period of time less than ten (10) hours.

(5) "Adult Theater" shall mean a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of "semi nudity" as defined herein or live performances which are characterized by their emphasis upon the exposure of "specified anatomical areas" or "specified sexual activities."

(6) "Controlling Interest" shall mean the power, directly or indirectly, to direct the operation, management, or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control, or power to vote twenty percent or more of any class of voting securities of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation, or policies of the business.

(7) "Distinguished or Characterized by an Emphasis Upon" shall mean the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films which are "distinguished or characterized by an emphasis upon the exhibition or description of 'specified anatomical areas' or 'specified sexual activities,'" the films so described are those whose dominant or principal character and theme are the exhibition or description of "specified anatomical areas" or "specified sexual activities."

(8) "Employ, Employee, and Employment" shall describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(9) "Establish" or "Establishment" shall mean and include any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;

(c) The addition of any sexually oriented business to any other existing sexually oriented business; or

(d) The relocation of any sexually oriented business.

(10) "Administrative Hearing Officer" shall mean a person designated by the Mayor under Chapter 1-28 of this Code.

(11) "Licensee" shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as any individual listed as an applicant on the application for a sexually oriented business license. In the case of an "employee," it shall mean the person whose name the sexually oriented business employee license has been issued.

(12) "Nude, Nudity, or State of Nudity" shall mean a state of dress or undress in which any portion of a person's genitals, vulva, pubic area, anus, cleft of the buttocks, or any portion of the nipple or areola of the female breast is exposed to view or is covered with a covering which is less than fully opaque.

(13) "Operate" or "cause to operate" shall mean to cause to function or to put or keep in a state of doing business.

(14) "Operator" means any person or persons on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes it to function; a person may be an operator of a sexually oriented business regardless of whether the person is an owner, part owner, or licensee of the business.

(15) "Semi-nude" or "State of Semi-nudity" shall mean a state of dress in which opaque clothing covers no more than a male person's genitals, anus, anal cleft and pubic area, and a female person's genitals, anus, anal cleft, vulva, and breasts below a horizontal line across the top of the areolae, as well as portions of the body covered by supporting straps or devices. This definition shall not be construed to include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, bathing suit, or other apparel, provided that no part of the areola of the breast is exposed.

(16) "Semi-nude Model Studio" shall mean any place where a person or persons regularly appear in a state of semi-nudity in exchange for money or any other form of consideration for the purpose of being observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. It shall be a defense to prosecution for violation of this ordinance that a person appearing in a state of semi-nudity did so in a modeling class operated:

(a) By a college, junior college, or university supported entirely or partly by taxation;

(b) By a private college or university which maintains and operates educational programs for academic credit, which credit is transferrable to a college, junior college, or university supported either entirely or partly by taxation; or

(c) Within a structure:

(i) which does not have a sign or other advertising that is visible from the exterior of the building that indicates that a semi-nude person is available for viewing; and,

(ii) as a condition of viewing semi-nude models, a student must enroll in a class at least three days in advance of the start of the class.

(17) "Sexual Encounter Establishment" means a business or commercial establishment that offers as one of its principal business purposes, for any form of consideration, a place in which two or more persons may congregate, associate, or consort while one or more of the persons is semi-nude, or for the purpose of engaging in "specified sexual activities", as defined herein. This definition shall exclude establishments in which medical

practitioners, psychologists, psychiatrists, or other similar professional persons licensed by the state engage in medically approved and recognized sexual therapy.

(18) "Sexually Oriented Business" shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater, adult theater, semi-nude model studio, or sexual encounter establishment.

(19) "Sexually Oriented Entertainment Activity" means the sale, rental, or exhibition of books, films, live performances, video cassettes, magazines, periodicals, digital images, or other similar media which are characterized by an emphasis on the exposure or display of specified sexual activity, as defined herein.

(20) "Specified Anatomical Areas" shall mean any one of the following or the collective combination of more than one of the following: the genitals, anal cleft, and anus of a male person, and the genitals, anal cleft, anus, vulva, and female breast or breasts below a horizontal line across the top of the areolae of a female person.

(21) "Specified Criminal Activity" shall mean a conviction for any of the following offenses within the periods of time indicated below:

(a) prostitution, patronizing a prostitute, aiding prostitution, exploiting prostitution, aggravated exploitation of prostitution, or sexual solicitation; distributing pornographic material, inducing acceptance of pornographic material, dealing in harmful material to a minor, distribution of a pornographic film, indecent public displays, or distribution of pornographic material through cable television; lewdness, sexual battery, lewdness involving a child, unlawful sexual activity with a minor, sexual abuse of a minor, unlawful sexual conduct with a 16 or 17 year old, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, or aggravated sexual assault; distribution of a controlled substance; or criminal attempt, conspiracy, or solicitation of commit any of the foregoing offenses, or offenses in other jurisdictions involving the same or similar elements, regardless of the exact title of the offense; and

(b) less than two years have elapsed sine the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction was a misdemeanor offense;

(c) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is for a felony offense; or

(d) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.

(e) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

(22) "Specified Sexual Activity" shall mean any of the following:

(a) sex acts, including intercourse, oral copulation, masturbation, or sodomy;

(b) excretory functions as a part of or in connection with any of the activities described in (a) above;

(c) the erotic fondling or other erotic touching by one person of the genitals, pubic area, anus, or female breast or breasts of another.

(23) "Transfer of Ownership or Control" of a sexually oriented business shall mean any of the following:

(a) the sale, lease or sublease of the business;

(b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for the transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(24) "Viewing Room" shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video, digital recording, or other visual display.

(Ord. 2019-26, 11-20-2019) (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-5. Classification of sexually oriented businesses.

Sexually oriented businesses shall be classified as follows:

(1) Adult arcades;

(2) Adult bookstores, adult novelty stores, adult video stores;

(3) Adult cabarets;

(4) Adult motels;

(5) Adult motion picture theaters;

(6) Adult theaters;

(7) Semi-nude model studios; and,

(8) Sexual encounter establishments.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-6. License requirements.

(1) It shall be unlawful for any person to operate a sexually oriented business in Tooele City without a valid sexually oriented business license.

(2) It shall be unlawful for any person to be an "employee", as defined in this Chapter, of a sexually oriented business in Tooele City without a valid sexually oriented business employee license.

(3) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the Department a completed application made on a form provide by the Department. The application shall be signed by the applicant and notarized.

(4) An application shall be considered complete when it contains the information required in Paragraphs (a) through (i) as set forth below:

(a) the applicant's full legal name and any other names or aliases used in the preceding five years;

(b) current business address or other mailing address of the applicant;

(c) written proof of age, in the form of a copy of

a birth certificate or driver's license or other document containing picture identification which was issued by an official governmental agency;

(d) if the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number (if one currently exists) of the proposed sexually oriented business;

(e) if the application is for a sexually oriented business license, the name and address of the registered agent or other authorized agent;

(f) a statement disclosing whether the applicant has been convicted of an offense which constitutes specified criminal activity, as defined under this Chapter, including disclosure of the specific offense or offenses involved, and the date, place, time, and jurisdiction in which each offense occurred; the applicant must also disclose whether the applicant currently holds or has previously held a sexually oriented business license or sexually oriented business employee license, whether in Tooele City or in another jurisdiction or state, which has been denied, suspended, or revoked within the past two years; if so, the applicant shall disclose the name and location of the business, the jurisdiction which imposed the penalty, the date of the violation(s) and the grounds for the revocation, suspension, or denial; the applicant shall make the same disclosures as a licensee if the applicant is or was a partner, officer, director, or stockholder with a controlling interest in a sexually oriented business which was the subject of a sexually oriented business license suspension, revocation, or denial within the last two years;

(g) if the application is for a sexually oriented business license, a certification signed by the applicant certifying that the location of the proposed sexually oriented business is not located within 500 feet of any church, synagogue, mosque, temple, or other building used primarily for religious worship, or any public or private educational facility, including child day care facilities, pre-schools, elementary schools, intermediate schools, high schools, vocational schools, colleges, or universities, or any public recreational facility, including public parks, playgrounds, picnic areas, athletic fields, libraries, or other similar facilities.

(h) a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business; the sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches, showing all doors, windows, walls, partitions and other features; and

(i) the signature of the applicant if the proposed sexually oriented business will be operated by an individual, or the signatures of each officer, director, general partner, and other individuals who will participate directly in decisions relating to the management and control of the business if the proposed business will be operated by an entity other than an individual.

(5) The information provided pursuant to paragraphs (a) through (i) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Department within ten working days of any change of circumstances which would render the information originally submitted false or incomplete.

(6) A license or permit required by this article is in addition to any other licenses or permits required by Tooele City, Tooele County, or the State of Utah. Persons engaged in the operation of sexually oriented businesses or employed as sexually oriented business employees shall comply with all applicable local, state, and federal laws, ordinances and statutes, including zoning ordinances and other land use restrictions.

(Ord. 2019-26, 11-20-2019) (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-7. Issuance of sexually oriented business license and sexually oriented business employee license.

(1) Upon the filing of a completed sexually oriented business license application, as set forth in §5-23-6, the Department shall immediately issue a temporary license to the applicant. The temporary license shall expire upon the final decision of the Department to deny or grant the sexually oriented business license. Within forty days of the initial filing date of the completed application, the Department shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Department shall approve the issuance of the license unless one or more of the following is found by a preponderance of the evidence to be true:

(a) an applicant is less than eighteen years of age;

(b) an applicant has failed to provide information as required under §5-23-6 of this Chapter or has falsely answered a question or otherwise provided false information on the sexually oriented business license application form;

(c) the required application fee has not been paid;

(d) an applicant has been convicted of an offense which constitutes specified criminal activity, as defined in this Chapter, or has failed to comply with §5-23-7(1) or has committed a violation of §5-23-10(2) within the last year;

(e) the sexually oriented business premises is not in compliance with interior configuration requirements as set forth in this Chapter.

(2) The sexually oriented business license shall state in a conspicuous place on the front of the license the legal name of the business, the issuance date, the expiration date, the category of sexually oriented business as designated under this Chapter, and the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business premises so that it is easily readable at all times to those entering the premises. Lighting shall be adequate in the area in which the license is located or the license shall be illuminated so that it is easily readable.

(3) Each applicant for a sexually oriented business license shall pay an initial administrative fee of $200. Licensees shall pay a renewal fee of $100 in connection with the annual renewal of the sexually oriented business license.

(4) Upon the filing of a completed application for a sexually oriented business employee license, the Department shall issue a temporary license to the applicant. The temporary license shall expire upon the final decision of the

Department to deny or grant the sexually oriented business employee license. Within forty days of the date that a completed application is filed, the Department shall either issue a licence or issue a written notice of intent to deny a license to the applicant. The Department shall approve the issuance of a license unless one or more of the following is found by a preponderance of the evidence to be true:

(a) the applicant is less than eighteen years of age;

(b) the applicant has failed to provide information required under §5-23-6 or has answered a question falsely or otherwise provided false information on the application form;

(c) the license application fee has not been paid;

(d) the applicant has been convicted of specified criminal activity, as defined in this Chapter, or has failed to comply with §5-23-7(1) or has violated §5-23-10(2) within the last year.

(5) A sexually oriented business employee license which is granted pursuant to this Chapter shall state the name of the individual for whom it is issued in a conspicuous manner on the front of the license. The issuance date and expiration date shall also appear in a conspicuous place on the license. A sexually oriented business employee shall keep the sexually oriented business employee license on his or her person or on the premises where he or she is performing or working and shall produce the license upon request of a law enforcement official or Department official charged with compliance enforcement.

(6) Each applicant for a sexually oriented business employee license shall pay an initial administrative fee of $100. Licensees shall pay a renewal fee of $50 in connection with the annual renewal of the sexually oriented business employee license.

(Ord. 2019-26, 11-20-2019) (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-8. Inspection of sexually oriented business premises.

(1) Sexually oriented business operators and sexually oriented business employees shall permit law enforcement officers and agents of Tooele City who are performing functions connected with the enforcement of this Chapter to inspect the portions of the sexually oriented business premises in which patrons are permitted for the purpose of ensuring compliance with this Chapter. Inspections shall be permitted at any time the sexually oriented is occupied by patrons or open for business. A licensee's knowing or intentional refusal to permit such an inspection shall constitute a violation of this section.

(2) The provisions of this Section do not apply to areas of an adult motel which are occupied by a tenant for use as a residence or habitation.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-9. Expiration of licenses.

Each license issued pursuant to this Chapter shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such licenses may be renewed only by making application and paying the requisite fee as provided in §5-23-7. Application for renewal shall be made prior to the expiration of the license. If a license expires before a completed renewal application is submitted, the applicant shall pay the initial application renewal fee and the applicant shall be otherwise processed as an initial application.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-10. Suspension.

(1) If the Director determines that a licensed sexually oriented business has violated a provision of this Chapter or allowed a sexually oriented business employee to violate a provision of this Chapter while upon the business premises, the Department shall issue a written notice of intent to suspend the sexually oriented business license for a period not to exceed thirty days. The Department shall state the basis for seeking to suspend the license in the notice of intent.

(2) If the Director determines that a licenced sexually oriented business employee has violated a provision of this Chapter, the Department shall issue a written notice of intent to suspend the sexually oriented business employee license for a period not to exceed thirty days. The Department shall state the basis for seeking to suspend the license in the notice of intent.

(Ord. 2019-26, 11-20-2019) (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-11. Revocation or denial.

(1) If the Director determines that a licensed sexually oriented business has violated a provision of this Chapter or allowed a sexually oriented business employee to violate a provision of this Chapter, and the business's sexually oriented business license has been suspended within twelve months preceding the date of the violation, the Department shall issue a written notice of intent to revoke the sexually oriented business license. The Department shall state the basis for seeking to revoke the license in the notice of intent.

(2) If the Director determines that a licensed sexually oriented business employee has violated a provision of this Chapter, and the employee's sexually oriented business employee license has been suspended within twelve months preceding the date of the violation, the Department shall issue a written notice of intent to revoke the sexually oriented business employee license. The Department shall state the basis for seeking to revoke the license in the notice of intent.

(3) The Department shall issue written notice of intent to revoke or deny a sexually oriented business license or sexually oriented business employee license if he or she determines that:

(a) the licensee has knowingly given false information on the license application or license renewal application;

(b) the sexually oriented business licensee has knowingly allowed possession, use, or sale of controlled substances on the premises, or in the case of a licensed sexually oriented business employee, the employee has illegally possessed, used, or sold controlled substances on the premises;

(c) the sexually oriented business licensee has

knowingly allowed prostitution on the premises, or in the case of a licensed sexually oriented business employee, the employee has engaged in prostitution while licensed as a sexually oriented business employee;

(d) any owner, officer, partner, operator, or other person with a controlling interest in a licensed sexually oriented business has knowingly engaged in the business of prostitution;

(e) the sexually oriented business licensee operated the sexually operated business during a period of time when the sexually oriented business license was suspended;

(f) the holder of a sexually oriented business employee license has worked as a sexually oriented business employee during a period when the licence was suspended;

(g) the sexually oriented business licensee has committed an act in violation of 18 U.S.C. §2257 upon the business premises; or

(h) the sexually oriented business licensee has knowingly allowed any specified sexual activity to occur in or on the premises.

(2) For purposes of this section, an act by any employee that constitutes grounds for revocation of that employee's license shall also be imputed to the sexually oriented business for purposes of revocation proceedings if the Administrative Hearing Officer determines by a preponderance of the evidence that an officer, director, or general partner, or an employee who managed, supervised, or controlled the operation of the business knowingly allowed such an act to occur on the premises.

(3) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license.

(4) Once the Administrative Hearing Officer revokes a license, the revocation shall continue for one year and a licensee shall not be issued a sexually oriented business license or sexually oriented business employee licence for one year from the date that revocation becomes effective.
(Ord. 2019-26, 11-20-2019) (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-12. Hearing on revocation, suspension or denial; appeal.

(1) Once the Director has made the determination that grounds exist to suspend or revoke a sexually oriented business license or sexually oriented business employee license, or to deny a license application for a sexually oriented business license or sexually oriented business employee license, the Department shall notify the applicant or licensee in writing of its intent to revoke or suspend the license or deny the application. The notice shall include the following:

(a) a written statement which specifies the grounds for the Department's action; and

(b) a statement that the licensee or applicant shall have ten business days from the date that notice is received to contest the Department's intended action by submitting a written statement explaining why the license should not be revoked , suspended, or denied.

(2) Notice of intent to deny, suspend, or revoke a sexually oriented business license or sexually oriented business employee license shall be sent by certified mail to the licensee's or applicant's most current address on file in the Department, or by personal service upon the applicant or licensee, or in the case of a sexually oriented business, upon an employee, operator, officer or other appropriate representative who is present upon the business premises at the time of service. If the licensee or applicant cannot be served after reasonable efforts or the certified mail receipt is returned to the City unsigned, the notice shall be published twice a week for two weeks in a newspaper of general circulation. Once publication is complete, the licensee or applicant shall be deemed notified for purposes of this Chapter.

(3) If the licensee/applicant submits a written response within the time prescribed in subsection (2), the Department shall schedule a hearing and notify the licensee/applicant of the hearing date within five business days of receiving the written response. The Administrative Hearing Officer shall conduct the hearing no more than fifteen business days from the date that the written response is received. At the hearing, the Administrative Hearing Officer shall allow the Department the opportunity to present evidence with respect to the Department's intended action. The Administrative Hearing Officer shall then provide the licensee/applicant with the opportunity to present evidence, call witnesses, and make arguments pertaining to the basis for the Department's intended action.

(4) If the licencee/applicant does not submit a written response to the Department within the time period prescribed in subsection (2), the Department shall immediately send written notice by certified mail to the licensee's last known address to inform the licensee or applicant that the license has been suspended, revoked, or denied. The suspension, revocation, or denial shall take effect five business days after mailing. Suspension, revocation, or denial shall take effect regardless of whether the licensee or applicant accepts service of the notice.

(5) If after a hearing the Administrative Hearing Officer determines by a preponderance of the evidence that grounds exist, as set forth in this Chapter, to suspend, revoke, or deny a license, the Administrative Hearing Officer shall prepare a written opinion which sets forth the Administrative Hearing Officer's findings. The Administrative Hearing Officer shall send by certified mail a copy of the written opinion to the last known address of the licensee/applicant within 5 business days of the conclusion of the hearing. The decision of the Administrative Hearing Officer to suspend, revoke, or deny a license shall take effect five business days from the date that notice is mailed, regardless of whether the licensee/applicant accepts service of the notice.

(6) If after a hearing the Administrative Hearing Officer determines by a preponderance of the evidence that grounds do not exist which justify the suspension, revocation, or denial of the license, the Administrative Hearing Officer shall prepare a written opinion which sets forth the Administrative Hearing Officer's findings. The Administrative Hearing Officer shall immediately inform the Department of the findings, and send a written copy by

certified mail to the licensee's/applicant's last known address within five business days of the hearing.

(7) Once the Administrative Hearing Officer has communicated to the Department that grounds do not exist to justify the suspension, revocation, or denial of the license, the Department shall immediately withdraw the notice of intent to suspend or revoke, or in the case of a denial, shall immediately issue a license to the applicant.

(8) An applicant or licensee whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal such action to a court of competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the Department's action to suspend or revoke a license, the Department shall immediately issue a provisional license. The provisional license shall allow the party appealing the Department's action to continue to operate a sexually oriented business or work as a sexually oriented business employee until 30 calendar days after the court enters a final judgment on the case.

(Ord. 2019-26, 11-20-2019) (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-13. Transfer of License.

Sexually oriented business licenses and sexually oriented business employee licenses are not transferable. A sexually oriented business license does not permit the operation of a sexually oriented business at any location other than the address designated on the sexually oriented business license application form.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-14. Hours of Operation.

It shall be unlawful to operate a sexually oriented business between the hours of 11:00 P.M. and 10:00 A.M., except that a sexually oriented business which holds a license from the State of Utah to sell alcoholic beverages may remain open to sell alcoholic beverages under the terms of the license, but shall not offer sexually oriented entertainment after 11:00 P.M.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-15. Location and Distance Requirements.

(1) No sexually oriented business shall operate or be established with 500 feet of any of the following:

(a) churches, synagogues, mosques, temples, or other buildings used primarily for religious worship and activities;

(b) public or private educational facilities including child day-care facilities, pre-schools, elementary schools, intermediate schools, and high schools, including school grounds and athletic facilities which are used primarily in connection with school-related activities;

(c) public recreation areas or facilities including but not limited to parks, playgrounds, picnic areas, athletic fields or courts, libraries, public trail systems, community centers, and other analogous facilities;

(d) privately owned amusement parks or recreation facilities.

(2) No sexually oriented business shall operate or be established within 200 feet of a boundary of a residential zoning district.

(3) No sexually oriented business shall be located within 500 feet of any other sexually oriented business.

(4) For purposes of this Chapter, measurements shall be made in a straight line, without regard to intervening structures, objects, or boundaries, from the nearest portion of the building or structure which houses the sexually oriented business to the nearest property line of the property in question.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-16. Live public nudity and semi-nudity.

(1) It shall be a violation of this Chapter for any patron, sexually oriented business employee, or other person in or upon any portion of the sexually oriented business premises that is accessible to any patron to knowingly appear in a state of nudity, or otherwise render himself or herself nude by removing or manipulating clothing or otherwise exposing to view any anatomical areas that are included in the definition of nudity, as set forth herein, except exposure within public lavatory facilities that occurs incident to the use of toilets or urinals for the purpose for which they are designed.

(2) It shall be a violation of this Chapter for any person to knowingly appear in a state of semi-nudity on the business premises, unless the person is a licensed sexually oriented business employee who, while appearing in a state of semi-nudity, is upon a stage which is elevated at least three feet from the floor and remains at least three feet from any patron.

(3) It shall be a violation of this Chapter for any sexually oriented business employee to knowingly receive any pay or gratuity directly from any patron; it shall be a violation for any patron to give or attempt to give any gratuity directly to any sexually oriented business employee while the employee is in a semi-nude state upon the premises of a sexually oriented business premises.

(4) It shall be a violation of this Chapter for any sexually oriented business employee, while in a state of semi-nudity, to knowingly touch any patron or any patron's clothing.

(5) It shall be a violation of this Chapter for any sexually oriented business or sexually oriented business employee to knowingly allow any specified sexual activity to occur either in or upon the premises of a sexually oriented business.

(6) A sexually oriented business featuring any live, semi-nude appearance by a sexually oriented business employee or employees shall ensure that the manager's station or stations required under this Chapter are manned at any time that a patron is present on the premises.

(7) A sexually oriented business featuring live semi-nude entertainment shall post a sign in a conspicuous place which sets forth provisions (1) through (4) of this Section; the dimensions and print of the sign shall be of a size and type that is easily readable to patrons entering the establishment.

(8) A sexually oriented business that is subject to this Section shall expel for the balance of the business day any

patron who violates the rules articulated in provisions (1) through (4).
(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-17. Interior design requirements pertaining to sexually oriented businesses featuring live semi-nudity.

(1) The design and construction of all sexually oriented businesses in which any sexually oriented business employee will appear in a state of semi-nudity shall include the following elements:

(a) a performance stage or stages that are elevated at least 36 inches above the height of the patron seating area; the stage or stages shall be separated from the patron seating area by a wall, railing, or other suitable barrier that is permanently attached to the floor and that is at least 36 inches high; the barrier shall be located at least three feet from the edge of the stage so as to create a buffer zone of at least three feet between the stage and any patron seating area;

(b) a manager's station that is constructed in such a manner as to provide a clear, unobstructed view of the stage, the performers, the patrons, and every portion of the business premises that is accessible to the public, with the exception of the lavatory facilities; if the interior of the business premises is configured in such a way that a single manager cannot effectively monitor every portion of the business premises from a single vantage point, cameras and monitors shall be installed within the manager's station so that all parts of the premises can be viewed from a single location, or in the alternative, multiple managers' stations shall be constructed in such a way that the managers' stations collectively provide a view of every portion of the business premises.

(c) overhead lighting fixtures that provide sufficient lighting at an intensity of not less than one foot candle power measured at floor level in every portion of the building to which the public is admitted, including restrooms.

(2) All sexually oriented businesses in which any sexually oriented business employee will appear in a state of semi-nudity upon the business premises shall submit with the sexually oriented business license application a diagram of the premises accurately depicting the dimensions and configuration of the interior, including the location of all manager's stations, cameras, monitors, viewing areas, patron seating areas, stages, rooms, barriers, doors, exits, entry points, permanent displays, and lighting fixtures; the diagram need not be an architect or engineer prepared blueprint, but shall be drawn to scale to an accuracy of plus or minus six inches and designate the orientation of the premises toward abutting streets.
(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-18. Regulations pertaining to sexually oriented businesses that exhibit Sexually Explicit Films or Videos.

(1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, that exhibits any motion picture recorded on film, video cassette, digital medium, or other format, and the motion picture is characterized by an emphasis on the display of specified sexual activities or specified anatomical areas, shall comply with the following requirements if the motion picture is exhibited in any viewing room which occupies less than one hundred fifty square feet of floor space:

(a) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all manager's stations, viewing rooms, restrooms, overhead lighting fixtures, surveillance cameras and monitors, and portions of the premises which will be off limits to patrons. The diagram shall also depict the place where the sexually oriented business license will be posted. The diagram need not be a blueprint prepared by an architect or engineer, but shall be drawn to a designated scale and depict the dimensions of all interior spaces to an accuracy of plus or minus six inches. The diagram shall be oriented toward the north or toward a designated street and accurately depict the front entrance and all other points of access to the interior.

(b) No restroom shall contain monitoring or surveillance equipment.

(c) No applicant or licensee shall alter the configuration or location of a manager's station or viewing room without re-submitting an amended diagram and receiving approval through the Department.

(d) It shall be the duty of the operator and of any employees present on the premises to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons are not permitted as designated on the diagram submitted with the license application.

(e) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate all places to which patrons are permitted access at an illumination intensity of not less than one foot candle power as measured at floor level. It shall be the duty of the operator and any employees present on the premises to ensure that the required illumination is maintained at all times that the premises is occupied by patrons or open for business.

(f) The operator and any employees present shall ensure that no sexual activity occurs on the business premises.

(g) The operator and any employees present shall ensure that no openings of any kind are created or allowed to exist between viewing rooms. No person shall make or attempt to make an opening between viewing rooms.

(h) If the operator or any employee observes two or more patrons in a viewing room or discovers any person making or attempting to make an opening between viewing rooms shall immediately exclude the offending parties from the premises for the rest of the business day.

(i) If the operator or any employee discovers an opening of any kind between viewing rooms, he or she shall immediately secure the affected rooms and prevent patrons from entering until the wall has been repaired in a manner that is as substantial as the original wall construction.

(j) The operator or an employee acting on behalf of the operator shall inspect the walls for openings at least once every business day.

(k) The operator shall post conspicuous signs in

well-lighted areas of the business stating the following:

(i) no loitering is permitted in viewing rooms;

(ii) occupancy in viewing rooms is limited to one person;

(iii) sexually activity on the premises is prohibited;

(iv) making openings between viewing rooms is prohibited.

(v) violators will be required to leave the premises for the balance of the business day;

(vi) violations of the rules stated herein constitute criminal offenses which will be reported and prosecuted.

(l) Floor coverings in viewing rooms shall be made of nonporous, easily cleanable surfaces. Rugs or carpeting are prohibited.

(m) The operator and employees shall ensure that all wall surfaces or seating surfaces in viewing rooms are constructed of or permanently covered by nonporous, easily cleanable material; viewing rooms shall not have any exposed plywood, fiberboard, unpainted drywall, fabric, cloth upholstery, carpeting or other materials which absorb liquids or are difficult to clean.

(n) The operator shall maintain a regular cleaning schedule which shall cause viewing rooms and other places in which patrons view sexually oriented materials to be cleaned at least twice a day. The operator shall cause a cleaning log to be kept, and shall allow City Officials to inspect the log upon request. Cleaning shall include the entire interior of any viewing room with disinfectant, including the floors, walls, seats, monitors, cameras, counters, windows, and other surfaces.

(o) The interior of the premises shall be configured in such a manner that every area of the premises in which patrons are permitted can be viewed without obstruction from a manager's station, including the interior of each viewing room but excluding restrooms. If multiple manager's stations must be employed, the interior shall be configured in such a way as to provide an unobstructed view of every portion of the premises to which patrons are permitted from at least one of the manager's stations.

(p) It shall be unlawful for an operator or employee to fail to perform any of the responsibilities outlined in this Section or to operate a sexually oriented business or maintain the sexually oriented business premises in violation of this section.

(Ord. 2019-26, 11-20-2019) (Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-19. Loitering, exterior monitoring.

(1) The operator of a sexually oriented business shall have a duty to:

(a) initiate and enforce a policy which prohibits loitering on or about the business premises, and which comports with the requirements of (b) and (c) below;

(b) post conspicuous signs which state that no loitering shall be permitted;

(c) designate one or more employees to monitor the activities of persons on the premises of the sexually oriented business by visually inspecting the property at least once every ninety minutes or by continuously using video cameras which afford coverage of the entire property, including the exterior; if video surveillance is used, the monitor or monitors shall be located within a manager's station and shall be in operation at all times that the business is open for operation; and,

(d) provide lighting of the exterior premises to facilitate inspections for loitering and discourage clandestine behavior.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-20. Zoning, exterior design

(1) Sexually oriented businesses are permitted in the industrial zone, as set forth in Title 7 of this Code, subject to the distance and location restrictions set forth in Subsection 5-23-20.

(2) All windows, doors, and other apertures to the premises shall be darkened or covered with blinds, curtains, or other suitable coverings in such a manner that people on the outside cannot see sexually oriented materials, displays, entertainment, or activities occurring within the building.

(3) The area immediately behind the entry door or doors to the sexually oriented business shall be screened with a partition, wall, or other non-transparent barrier so that people on the outside of the building cannot see into the interior when the door is open.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-21. Penalties and enforcement.

(1) A violation of any provision of this Chapter or the failure to perform any duty imposed by this Chapter shall constitute a class B misdemeanor. Each day that a violation exists shall constitute a separate offense.

(2) The City Attorney's Office is hereby authorized to initiate legal proceedings to prosecute, enjoin, restrain, and correct violations of this Chapter.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-22. Applicability to existing businesses.

(1) Upon adoption, the provisions of this Chapter shall apply to the activities of all sexually oriented businesses, sexually oriented business employees, and sexually oriented business operators, including sexually oriented businesses which commenced operation on or before the effective date of this Chapter.

(2) All sexually oriented businesses, sexually oriented business employees, and sexually oriented business operators currently doing business within Tooele City are hereby granted a temporary license which shall continue in effect for one-hundred and eighty days from the date that this Chapter takes effect. No sexually oriented business, sexually oriented business employee, or sexually oriented business operator may continue to feature sexually oriented entertainment, perform, or otherwise engage in sexually oriented business activity once the temporary license has lapsed, without first obtaining a license as required under this Chapter.

(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-23. Persons under 18.

It shall be a violation for a sexually oriented business or any sexually oriented business employee who is employed by the sexually oriented business to recklessly or knowingly allow a person under the age of 18 years to enter into or remain within the sexually oriented business premises.
(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

5-23-24. Severability.

This Chapter and each section, subsection, and provision thereof are independent divisions and subdivisions; it is the express intent of the legislative body that if any provision, subsection or section is declared to be invalid, the remaining provisions shall remain in effect, and shall stand independent of the any portion held to be invalid as if enacted by the legislative body without the invalidated portions.
(Ord. 2003-23, 09-03-2003) (Ord. 1998-37, 11-18-1998)

CHAPTER 24. TELECOMMUNICATIONS RIGHTS-OF-WAY

5-24-1. Declaration of Finding and Intent.
5-24-2. Finding Regarding Compensation.
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5-24-4. Finding Regarding Promotion of Telecommunications Services.
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5-24-6. Power to Manage Rights-of-Way.
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5-24-20. Federal, state and city jurisdiction.

5-24-1. Declaration of Finding and Intent.

(1) Findings Regarding Rights-of-Way. Tooele City finds that the Rights-of-Way within the City:

(a) are critical to the travel and transport of persons and property in the business and social life of the City;

(b) are intended for public uses and must be managed and controlled consistent with that intent;

(c) can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit, to the enhancement of the health, welfare, and general economic well-being of the City and its citizens; and

(d) are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation, and maintenance in the Rights-of-Way.

(Ord. 97-42, 12-03-97)

5-24-2. Finding Regarding Compensation.

The City finds that the City should receive fair and reasonable compensation for use of the Rights-of-Way.

(Ord. 97-42, 12-03-97)

5-24-3. Finding Regarding Local Concern.

The City finds that while Telecommunications Systems are in part an extension of interstate commerce, their operations also involve Rights-of-Way, municipal franchising, and vital business and community services, which are of local concern.

(Ord. 97-42, 12-03-97)

5-24-4. Finding Regarding Promotion of Telecommunications Services.

The City finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of Telecommunications Services, on a nondiscrimination basis, responsive to community and public interest, and to assure availability for municipal, educational and community services.

(Ord. 97-42, 12-03-97)

5-24-5. Findings Regarding Franchise Standards.

(1) The City finds that it is in the interests of the public to Franchise and to establish standards for franchising Providers in a manner that:

(a) fairly and reasonably compensates the City on a competitively neutral and non-discriminatory basis as provided herein;

(b) encourages competition by establishing terms and conditions under which Providers may use the Rights-of-Way to serve the public;

(c) fully protects the public interests and the City from any harm that may flow from such commercial use of Rights-of-Way;

(d) protects the police powers and Rights-of-Way management authority of the City, in a manner consistent with federal and state law;

(e) otherwise protects the public interests in the development and use of the City infrastructure;

(f) protects the public's investment in improvements in the Rights-of-Way; and

(g) ensures that no barriers to entry of Telecommunications Providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting Telecommunication Services, within the meaning of the Telecommunications Act of 1996 ("Act") [P.L. No. 104-104].

(Ord. 97-42, 12-03-97)

5-24-6. Power to Manage Rights-of-Way.

The City adopts this Telecommunications Ordinance pursuant to its power to manage the Rights-of-Way, pursuant to common law, the Utah Constitution and statutory authority, and receive fair and reasonable compensation for the use of Rights-of-Way by Providers as expressly set forth by Section 253 of the Act.

(Ord. 97-42, 12-03-97)

5-24-7. Scope of Ordinance.

This Ordinance shall provide the basic local scheme for Providers of Telecommunications Services and Systems that require the use of the Rights-of-Way, including Providers of both the System and Service, those Providers of the System only, and those Providers who do not build the System but who only provide Services. This Ordinance shall apply to all future Providers and to all Providers in the City prior to the effective date of this Ordinance, whether operating with or without a Franchise.

(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-8. Excluded Activity.

(1) Cable TV. This Ordinance shall not apply to cable television operators otherwise regulated by the "Cable Television Ordinance".

(2) Wireless Services. This Ordinance shall not apply to:

(a) Personal Wireless Service Facilities, which are regulated by Chapter 7-27 of the Tooele City Code.

(b) Wireless Communication Facilities, which are regulated by Chapter 5-27 of the Tooele City Code.

(3) Provisions Applicable to Excluded Providers. Providers excused by other law that prohibits the City from requiring a Franchise shall not be required to obtain a Franchise, but all of the requirements imposed by this Ordinance through the exercise of the City's police power and not preempted by other law shall be applicable.
(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-9. Defined Terms.

(1) Definitions. For purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense; words in the single number include the plural number; words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(a) "Application" means the process by which a Provider submits a request and indicates a desire to be granted a Franchise to utilize the Rights-of-Way of all, or a part, of the City. An Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a Provider to the City concerning: the construction of a Telecommunications System over, under, on or through the Rights-of-Way; the Telecommunications Services proposed to be provided in the City by a Provider; and any other matter pertaining to a proposed System or Service.

(b) "City" means Tooele City, Utah.

(c) "Completion Date" means the date that a Provider begins providing Services to customers in the City.

(d) "Construction Costs" means all costs of constructing a System, including make ready costs, other than engineering fees, attorneys or accountants fees, or other consulting fees.

(e) "Control" or "Controlling Interest" means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the System or of a Provider. A rebuttable presumption of the existence of Control or a Controlling Interest shall arise from the beneficial ownership, directly or indirectly, by any Person, or group of Persons acting in concert, of more than 25% of any Provider (which Person or group of Persons is hereinafter referred to as "Controlling Person"). "Control" or "Controlling Interest" as used herein may be held simultaneously by more than one Person or group of Persons.

(f) "FCC" means the Federal Communications Commission, or any successor thereto.

(g) "Franchise" means the rights and obligation extended by the City to a Provider to own, lease, construct, maintain, use or operate a System in the Rights-of-Way within the boundaries of the City. Any such authorization, in whatever form granted, shall not mean or include:

(i) any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;

(ii) any other permit, agreement or authorization required in connection with operations on Rights-of-Way or public property including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the City or a private entity, or for excavating or performing other work in or along the Rights-of-Way.

(h) "Franchise Agreement" means a contract entered into in accordance with the provisions of this Ordinance between the City and a Franchisee that sets forth, subject to this Ordinance, the terms and conditions under which a Franchise will be exercised.

(i) "Gross Revenue" includes all revenues of a Provider that may be included as gross revenue within the meaning of Chapter 26, Title 11 Utah Code annotated, 1953, as amended.

(j) "Infrastructure Provider" means a Person providing to another, for the purpose of providing Telecommunication Services to customers, all or part of the necessary System which uses the Rights-Of-Way.

(k) "Open Video Service" means any video programming services provided to any Person through the use of Rights-of-Way, by a Provider that is certified by the FCC to operate an Open Video System pursuant to sections 651, et seq., of the Telecommunications Act (to be codified at 47 U.S.C. Title VI, Part V), regardless of the System used.

(l) "Open Video System" means the system of cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams, and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing Open Video Services to or from subscribers or locations within the City.

(m) "Operator" means any Person who provides Service over a Telecommunications System and directly or through one or more Persons owns a Controlling Interest in such System, or who otherwise controls or is responsible for the operation of such a System.

(n) "Ordinance" or "Telecommunications Ordinance" means this Telecommunications Ordinance concerning the granting of Franchises in and by the City for the construction, ownership, operation, use or maintenance of a Telecommunications System.

(o) "Person" includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the City.

(p) "Personal Wireless Services Facilities" has

the same meaning as provided in Section 704 of the Act (47 U.S.C. 332(c)(7)(c)), which includes what is commonly known as cellular and PCS Services that do not install any System or portion of a System in the Rights-of-Way.

(q) "Provider" means an Operator, Infrastructure Provider, Resaler, or System Lessee.

(r) "PSC" means the Public Service Commission, or any successor thereto.

(s) "Resaler" refers to any Person that provides local exchange service over a System for which a separate charge is made, where that Person does not own or lease the underlying System used for the transmission.

(t) "Rights-of-Way" means the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing as such within the City.

(u) "Signal" means any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information in either analog or digital format.

(v) "System Lessee" refers to any Person that leases a System or a specific portion of a System to provide Services.

(w) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing (e.g., data, video, and voice), without change in the form or content of the information sent and received.

(x) "Telecommunications System" or "System" means all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, Wire and appurtenances owned, leased, or used by a Provider, located in the Rights-of-Way and utilized in the provision of Services, including fully digital or analog, voice, data and video imaging and other enhanced Telecommunications Services. Telecommunications System or Systems also includes an Open Video System.

(y) "Telecommunications Service(s)" or "Services" means any telecommunications services provided by a Provider within the City that the Provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the Services provided within the City, except that these terms do not include "cable service" as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. § 521, et seq.), and the Telecommunications Act of 1996. Telecommunications System or Systems also includes an Open Video System.

(z) "Wire" means fiber optic Telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-10. Franchise Required.

(1) Non-Exclusive Franchise. The City is empowered and authorized to issue non-exclusive Franchises governing the installation, construction, and maintenance of Systems in the City's Rights-of-Way, in accordance with the provisions of this Ordinance. The Franchise is granted through a Franchise Agreement entered into between the City and Provider.

(2) Every Provider Must Obtain. Except to the extent preempted by federal or state law, as ultimately interpreted by a court of competent jurisdiction, including any appeals, every Provider must obtain a Franchise prior to constructing a Telecommunications System or providing Telecommunications Services using the Rights-of-Way, and every Provider must obtain a Franchise before constructing an Open Video System or providing Open Video Services via an Open Video System. Any Open Video System or Service shall be subject to the customer service and consumer protection provisions applicable to the Cable TV companies to the extent the City is not preempted or permitted as ultimately interpreted by a court of competent jurisdiction, including any appeals. The fact that particular Telecommunications Systems may be used for multiple purposes does not obviate the need to obtain a Franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide Telecommunications Services over the same System, must also obtain a Telecommunications Franchise.

(3) Nature of Grant. A Franchise shall not convey title, equitable or legal, in the Rights-of-Way. A Franchise is only the right to occupy Rights-of-Way on a non-exclusive basis for the limited purposes and for the limited period stated in the Franchise; the right may not be subdivided, assigned, or subleased. A Franchise does not excuse a Provider from obtaining appropriate access or pole attachment agreements before collocating its System on the property of others, including the City's property. This section shall not be construed to prohibit a Provider from leasing conduit to another Provider, so long as the Lessee has obtained a Franchise.

(4) Current Providers. Except to the extent exempted by federal or state law, any Provider acting without a Franchise on the effective date of this Ordinance shall request issuance of a Franchise from the City within 90 days of the effective date of this Ordinance. If such request is made, the Provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a Franchise is not granted, the Provider shall comply with the provisions of Section 5-24-17(3).

(5) Nature of Franchise. The Franchise granted by the City under the provisions of this Ordinance shall be a nonexclusive Franchise providing the right and consent to install, repair, maintain, remove and replace its System on, over and under the Rights-of-Way in order to provide Services.

(6) Regulatory Approval Needed. Before offering or providing any Services pursuant to the Franchise, a Provider shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of such Services from the appropriate federal, state and local authorities, if required, and shall submit to

the City upon the written request of the City evidence of all such approvals, permits, authorizations or licenses.

(7) Term. No Franchise issued pursuant to this Ordinance shall have a term of less than 5 years or greater than15 years. Each Franchise shall be granted in a nondiscriminatory manner.

(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-11. Compensation and other payments.

(1) Compensation. As fair and reasonable compensation for any Franchise granted pursuant to this Ordinance, a Provider shall have the following obligations:

(2) Application Fee. In order to offset the cost to the City to review an Application for a Franchise and in addition to all other fees, permits or charges, a Provider shall pay to the City, at the time of Application, $500 as a non-refundable Application fee.

(3) Franchise Fees. The Franchise fee, if any, shall be set forth in the Franchise Agreement. The obligation to pay a Franchise fee shall commence on the Completion Date. The Franchise fee is offset by any telecommunication service provider tax collected by the City under Chapter 5-18c (Telecommunication Service Providers Tax).

(4) Excavation Permits. The Provider shall also pay fees required for an excavation permit as provided in Title 4 Chapter 9 of the Tooele City Code.

(5) Timing. Unless otherwise agreed to in the Franchise Agreement, all Franchise Fees shall be paid on a monthly basis within 45 days of the close of each calendar month.

(6) Fee Statement and Certification. Unless a Franchise Agreement provides otherwise, each fee payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.

(7) Future Costs. A Provider shall pay to the City or to third parties, at the direction of the City, an amount equal to the reasonable costs and reasonable expenses that the City incurs for the services of third parties (including but not limited to attorneys and other consultants) in connection with any renewal or Provider-initiated renegotiation, or amendment of this Ordinance or a Franchise, provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations. In the event the parties are unable to agree, either party may submit the issue to binding arbitration in accordance with the rules and procedures of the American Arbitration Association. Any costs associated with any work to be done by the City's Public Works Department to provide space on City owned poles shall be borne by the Provider.

(8) Taxes and Assessments. To the extent taxes or other assessments are imposed by taxing authorities, other than the City on the use of the City property as a result of a Provider's use or occupation of the Rights-of-Way, the Provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall be in addition to any other fees payable pursuant to this Ordinance.

(9) Interest on Late Payments. In the event that any payment is not actually received by the City on or before the applicable date fixed in the Franchise, interest thereon shall accrue from such date until received at the rate charged for delinquent state taxes.

(10) No Accord and Satisfaction. No acceptance by the City of any fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be construed as a release of any claim the City may have for additional sums payable.

(11) Not in Lieu of Other Taxes or Fees. The fee payment is not a payment in lieu of any tax, fee or other assessment except as specifically provided in this Ordinance, or as required by applicable law. By way of example, and not limitation, excavation permit fees and fees to obtain space on the City owned poles are not waived and remain applicable.

(12) Continuing Obligation and Holdover. In the event a Provider continues to operate all or any part of the System after the Term of the Franchise, such operator shall continue to comply with all applicable provisions of this Ordinance and the Franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation, provided that any such continued operation shall in no way be construed as a renewal or other extension of the Franchise, nor as a limitation on the remedies, if any, available to the City as a result of such continued operation after the term, including, but not limited to, damages and restitution.

(13) Costs of Publication. A Provider shall assume any publication costs associated with its Franchise that may be required by law.

(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-12. Franchise applications.

(1) Franchise Application. To obtain a Franchise to construct, own, maintain or provide Services through any System within the City, to obtain a renewal of a Franchise granted pursuant to this Ordinance, or to obtain the City approval of a transfer of a Franchise, as provided in Subsection 5-24-15(2), granted pursuant to this Ordinance, an Application must be filed with City on a form approved by the City. The Application form may be changed by the Mayor so long as such changes request information that is consistent with this Ordinance.

(2) Application Criteria. In making a determination as to an Application filed pursuant to this Ordinance, the City may, but shall not be limited to, request the following from the Provider:

(a) A copy of the order from the PSC granting a Certificate of Convenience and Necessity.

(b) Certification of the Provider's financial ability to compensate the City for Provider's intrusion, maintenance and use of the Rights-of-Way during the Franchise term proposed by the Provider;

(c) Provider's agreement to comply with the requirements of this Ordinance.

(3) Franchise Determination. The City, in its

discretion, shall determine the award of any Franchise on the basis of these and other considerations relevant to the use of the Rights-of-Way, without competitive bidding. (Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-13. Construction and technical requirements.

(1) General Requirement. No Provider shall receive a Franchise unless it agrees to comply with each of the terms set forth in this Section governing construction and technical requirements for its System, in addition to any other reasonable requirements or procedures specified by the City or the Franchise, including requirements regarding locating and sharing in the cost of locating portions of the System with other Systems or with City utilities. A Provider shall obtain an excavation permit, pursuant to the excavation ordinance, before commencing any work in the Rights-of-Way.

(2) Quality. All work involved in the construction, maintenance, repair, upgrade and removal of the System shall be performed in a safe, thorough and reliable manner using materials of good and durable quality. If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the System, including, without limitation, any means used to distribute Signals over or within the System, is harmful to the public health, safety or welfare, or quality of service or reliability, then a Provider shall, at its own cost and expense, promptly correct all such conditions.

(3) Licenses and Permits. A Provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses or other forms of approval or authorization necessary to construct, maintain, upgrade or repair the System, including but not limited to any necessary approvals from Persons and/or the City to use private property, easements, poles and conduits. A Provider shall obtain any required permit, license, approval or authorization, including but not limited to excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval or authorization is required. (Ord. 97-42, 12-03-97)

5-24-14. Relocation of the System.

(1) New Grades or Lines. If the grades or lines of any Rights-of-Way are changed at any time in a manner affecting the System, then a Provider shall comply with the requirements of the excavation ordinance.

(2) The City Authority to Move System in case of an Emergency. The City may, at any time, in case of fire, disaster or other emergency, as determined by the City in its reasonable discretion, cut or move any parts of the System and appurtenances on, over or under the Rights-of-Way of the City, in which event the City shall not be liable therefor to a Provider. The City shall notify a Provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this Section. Notice shall be given as provided in Section 5-24-19.

(3) A Provider Required to Temporarily Move System for Third Party. A Provider shall, upon prior reasonable written notice by the City or any Person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its System to permit the moving of said structure. A Provider may impose a reasonable charge on any Person other than the City for any such movement of its Systems.

(4) Rights-of-Way Change - Obligation to Move System. When the City is changing a Rights-of-Way and makes a written request, a Provider is required to move or remove its System from the Rights-of-Way, without cost to the City, to the extent provided in the excavation ordinance. This obligation does not apply to Systems originally located on private property pursuant to a private easement, which property was later incorporated into the Rights-of-Way, if that private easement grants a superior vested right. This obligation exists whether or not the Provider has obtained an excavation permit.

(5) Protect Structures. In connection with the construction, maintenance, repair, upgrade or removal of the System, a Provider shall, at its own cost and expense, protect any and all existing structures belonging to the City and all designated landmarks, as well as all other structures within any designated landmark district. A Provider shall obtain the prior written consent of the City to alter any water main, power facility, sewerage or drainage system, or any other municipal structure on, over or under the Rights-of-Way of the City required because of the presence of the System. Any such alteration shall be made by the City or its designee on a reimbursable basis. A Provider agrees that it shall be liable for the costs incurred by the City to replace or repair and restore to its prior condition in a manner as may be reasonably specified by the City, any municipal structure or any other Rights-of-Way of the City involved in the construction, maintenance, repair, upgrade or removal of the System that may become disturbed or damaged as a result of any work thereon by or on behalf of a Provider pursuant to the Franchise.

(6) No Obstruction. In connection with the construction, maintenance, upgrade, repair or removal of the System, a Provider shall not unreasonably obstruct the Rights-of-Way of fixed guide way systems, railways, passenger travel, or other traffic to, from or within the City without the prior consent of the appropriate authorities.

(7) Safety Precautions. A Provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A Provider shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

(8) Repair. After written reasonable notice to the Provider, unless, in the sole determination of the City, an eminent danger exists, any Rights-of-Way within the City which are disturbed or damaged during the construction, maintenance or reconstruction by a Provider of its System

may be repaired by the City at the Provider's expense, to a condition as good as that prevailing before such work was commenced. Upon doing so, the City shall submit to such a Provider an itemized statement of the cost for repairing and restoring the Rights-of-Ways intruded upon. The Provider shall, within30 days after receipt of the statement, pay to the City the entire amount thereof.

(9) System Maintenance. A Provider shall:

(a) Install and maintain all parts of its System in a non-dangerous condition throughout the entire period of its Franchise.

(b) Install and maintain its System in accordance with standard prudent engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations.

(c) At all reasonable times, permit examination by any duly authorized representative of the City of the System and its effect on the Rights-of-Way.

(10) Trimming of Trees. A Provider shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over Rights-of-Way so as to prevent the branches of such trees from coming in contact with its System.

(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-15. Franchise, license, transfer or sale.

(1) Notification of Sale.

(a) Notification and Election. When a Provider is the subject of a sale, transfer, lease, assignment, sublease or disposed of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the Provider or its successor entity shall promptly notify the City of the nature of the transaction. The notification shall include either:

(i) the successor entity's certification that the successor entity unequivocally agrees to all of the terms of the original Provider's Franchise Agreement, or

(ii) the successor entity's Application in compliance with Section 5-24-12 of this Ordinance.

(2) Transfer of Franchise. Upon receipt of a notification and certification, the City designee shall send notice affirming the transfer of the Franchise to the successor entity. If the City has good cause to believe that the successor entity may not comply with this Ordinance or the Franchise Agreement, it may require an Application for the transfer. The Application shall comply with Section 5-24-12.

(3) If PSC Approval No Longer Required. If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in Section 5-24-7, and the City has good cause to believe that the successor entity may not comply with this Ordinance or the Franchise Agreement, it may require an Application. The Application shall comply with this Section.

(4) Events of Sale. The following events shall be deemed to be a sale, assignment or other transfer of the Franchise requiring compliance with Section 7.1:

(a) the sale, assignment or other transfer of all or a majority of a Provider's assets to another Person;

(b) the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a Provider by one or more of its existing shareholders, partners, members or other equity owners so as to create a new Controlling Interest in a Provider;

(c) the issuance of additional capital stock or partnership, membership or other equity interest by a Provider so as to create a new Controlling Interest in such a Provider; or

(d) the entry by a Provider into an agreement with respect to the management or operation of such Provider or its System.

(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-16. Oversight and regulation.

(1) Insurance, Indemnity, and Security. Prior to the execution of a Franchise, a Provider will deposit with the City an irrevocable, unconditional letter of credit or surety bond as required by the terms of the Franchise, and shall obtain and provide proof of the insurance coverage required by the Franchise. A Provider shall also indemnify the City as set forth in the Franchise.

(2) Oversight. The City shall have the right to oversee, regulate and inspect periodically the construction, maintenance, and upgrade of the System, and any part thereof, in accordance with the provisions of the Franchise and applicable law. A Provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a Provider to prove, in reasonable detail, to the satisfaction of the City at all times throughout the Term, that a Provider is in compliance with the Franchise. A Provider shall retain such records for not less than the applicable statute of limitations.

(3) Maintain Records. A Provider shall at all times maintain:

(a) On file with the City, a full and complete set of plans, records and "as-built" hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the City's existing GIS system, of all existing and proposed installations and the types of equipment and Systems installed or constructed in the Rights-of-Way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all Rights-of-Ways where work will be undertaken. As used herein, "as-built" maps includes "file construction prints." Maps shall be drawn to scale. "As-built" maps, including the compatible electronic format, as provided above, shall be submitted within 30 days of completion of work or within 30 days after completion of modification and repairs. "As- built" maps are not required of the Provider who is the incumbent local exchange carrier for the existing System to the extent they do not exist.

(b) Throughout the term of the Franchise, a Provider shall maintain complete and accurate books of account and records of the business, ownership, and

operations of a Provider with respect to the System in a manner that allows the City at all times to determine whether a Provider is in compliance with the Franchise. Should the City reasonably determine that the records are not being maintained in such a manner, a Provider shall alter the manner in which the books and/or records are maintained so that a Provider comes into compliance with this Section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the State of Utah, and generally accepted accounting principles shall be deemed to be acceptable under this Section.

(4) Confidentiality. If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a Provider, such information shall be classified as a Protected Record within the meaning of the Utah Government Records Access and Management Act ("GRAMA"), making it available only to those who must have access to perform their duties on behalf of the City, provided that a Provider notifies the City of, and clearly labels the information which a Provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the Provider.

(5) Provider's Expense. All reports and records required under this Ordinance shall be furnished at the sole expense of a Provider, except as otherwise provided in this Ordinance or a Franchise.

(6) Right of Inspection. For the purpose of verifying the correct amount of the franchise fee, the books and records of the Provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the City at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records, provided that the City shall not audit the books and records of the Provider more often than annually. The Provider agrees to reimburse the City the reasonable costs of an audit if the audit discloses that the Provider has paid 95% or less of the compensation due the City for the period of such audit. In the event the accounting rendered to the City by the Provider herein is found to be incorrect, then payment shall be made on the corrected amount within 30 calendar days of written notice, it being agreed that the City may accept any amount offered by the Provider, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-17. Rights of city.

(1) Enforcement and Remedies.

(a) Enforcement - City Designee. The City is responsible for enforcing and administering this Ordinance, and the City or its designee, as appointed by the Mayor, is authorized to give any notice required by law or under any Franchise Agreement.

(b) Enforcement Provision. Any Franchise granted pursuant to this Ordinance shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this Ordinance, including, but not limited to, defining events of default, procedures for accessing the Bond/Security Fund, and rights of termination or revocation.

(2) Force Majeure. In the event a Provider's performance of any of the terms, conditions or obligations required by this Ordinance or a Franchise is prevented by a cause or event not within a Provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of a Provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

(3) Extended Operation and Continuity of Services.

(a) Continuation After Expiration. Upon either expiration or revocation of a Franchise granted pursuant to this Ordinance, the City shall have discretion to permit a Provider to continue to operate its System or provide Services for an extended period of time not to exceed six (6) months from the date of such expiration or revocation. A Provider shall continue to operate its System under the terms and conditions of this Ordinance and the Franchise granted pursuant to this Ordinance.

(b) Continuation by Incumbent Local Exchange Carrier. If the Provider is the incumbent local exchange carrier, it shall be permitted to continue to operate its System and provide Services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

(4) Removal or Abandonment of Franchise Property.

(a) Abandoned System. In the event that (1) the use of any portion of the System is discontinued for a continuous period of 12 months, and 30 days after no response to written notice from the City to the last known address of Provider, or (2) any System has been installed in the Rights-of-Way without complying with the requirements of this Ordinance or Franchise, or (3) no Franchise is granted, a Provider, except the Provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such System.

(b) Removal of Abandoned System. The City, upon such terms as it may impose, may give a Provider written permission to abandon, without removing, any System, or portion thereof, directly constructed, operated or maintained under a Franchise. Unless such permission is granted or unless otherwise provided in this Ordinance, a Provider shall remove within a reasonable time the abandoned System and shall restore, using prudent construction standards, any affected Rights-of-Way to their former state at the time such System was installed, so as not to impair their usefulness. In removing its plant, structures and equipment, a Provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all Rights-of-Way in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The City shall have the

right to inspect and approve the condition of the Rights-of-Way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this Ordinance and any security fund provided in a Franchise shall continue in full force and effect during the period of removal and until full compliance by a Provider with the terms and conditions of this Section.

(c) Transfer of Abandoned System to City. Upon abandonment of any System in place, a Provider, if required by the City, shall submit to the City a written instrument, satisfactory in form to the City, transferring to the City the ownership of the abandoned System.

(d) Removal of Above-Ground System. At the expiration of the term for which a Franchise is granted, or upon its revocation or earlier expiration, as provided for by this Ordinance, in any such case without renewal, extension or transfer, the City shall have the right to require a Provider to remove, at its expense, all above-ground portions of a System from the Rights-of-Way within a reasonable period of time, which shall not be less than180 days. If the Provider is the incumbent local exchange carrier, it shall not be required to remove its System, but shall negotiate a renewal in good faith.

(e) Leaving Underground System. Notwithstanding anything to the contrary set forth in this Ordinance, a Provider may abandon any underground System in place so long as it does not materially interfere with the use of the Rights-of-Way or with the use thereof by any public utility, cable operator or other Person.
(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-18. Obligation to notify.

Publicizing Work. Before entering onto any private property, a Provider shall make a good faith attempt to contact the property owners in advance, and describe the work to be performed.
(Ord. 97-42, 12-03-97)

5-24-19. General provisions.

(1) Conflicts. In the event of a conflict between any provision of this Ordinance and a Franchise entered pursuant to it, the provisions of this Ordinance in effect at the time the Franchise is entered into shall control.

(2) Severability. If any provision of this Ordinance is held by any federal, state or local court of competent jurisdiction, to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the Ordinance provisions in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law the provision in question shall return to full force and effect and shall again be binding on the City and the Provider, provided that the City shall give the Provider 30 days, or a longer period of time as may be reasonably required for a Provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

(3) New Developments. It shall be the policy of the City to liberally amend this Ordinance, upon Application of a Provider, when necessary to enable the Provider to take advantage of any developments in the field of Telecommunications which will afford the Provider an opportunity to more effectively, efficiently, or economically serve itself or the public.

(4) Notices. All notices from a Provider to the City required under this Ordinance or pursuant to a Franchise granted pursuant to this Ordinance shall be directed to the officer as designated by the Mayor. A Provider shall provide in any Application for a Franchise the identity, address and phone number to receive notices from the City. A Provider shall immediately notify the City of any change in its name, address, or telephone number.

(5) Exercise of Police Power. To the full extent permitted by applicable law either now or in the future, the City reserves the right to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.
(Ord. 2018-17, 12-19-2018) (Ord. 97-42, 12-03-97)

5-24-20. Federal, state and city jurisdiction.

(1) Construction. This Ordinance shall be construed in a manner consistent with all applicable federal and state statutes.

(2) Ordinance Applicability. This Ordinance shall apply to all Franchises granted or renewed after the effective date of this Ordinance. This Ordinance shall further apply, to the extent permitted by applicable federal or state law to all existing Franchises granted prior to the effective date of this Ordinance and to a Provider providing Services, without a Franchise, prior to the effective date of this Ordinance.

(3) Other Applicable Ordinances. A Provider's rights are subject to the police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A Provider shall comply with all applicable general laws and ordinances enacted by the City pursuant to its police powers. In particular, all Providers shall comply with the City zoning and other land use requirements.

(4) City Failure to Enforce. A Provider shall not be relieved of its obligation to comply with any of the provisions of this Ordinance or any Franchise granted pursuant to this Ordinance by reason of any failure of the City to enforce prompt compliance.

(5) Construed According to Utah Law. This Ordinance and any Franchise granted pursuant to this Ordinance shall be construed and enforced in accordance with the substantive laws of the State of Utah.
(Ord. 97-42, 12-03-97)

CHAPTER 25. TRANSIENT ROOM TAX

5-25-1. Title for citation.
5-25-2. Definitions.
5-25-3. Tax imposed.
5-25-4. Collection of tax.
5-25-5. Penalties and interest.

5-25-1. Title for Citation.

The ordinance codified in this chapter shall be known as the "Transient Room Tax Ordinance."
(Ord. 2002-16, 08-07-2002)

5-25-2. Definitions.

Any terms not specifically defined herein shall be construed according to common usage. For the purpose of this chapter, the following words shall have the following meanings:

(1) "Public accommodation" means a place providing temporary sleeping accommodations to the public and includes:

(a) a motel;
(b) a hotel;
(c) a motor court;
(d) an inn;
(e) a bed and breakfast establishment;
(f) a condominium; and
(g) a resort home.

(2) "Rents" include:

(a) rents; and
(b) timeshare fees or dues.

(3) "Transient" means a person who occupies a public accommodation for less than 30 consecutive days.
(Ord. 2003-14, 4-16-03); (Ord. 2002-16, 08-07-2002)

5-25-3. Tax imposed.

There is levied a transient room tax on the rents charged to transients occupying public accommodations in an amount that is equal to one percent (1%) of the rents charged.
(Ord. 2002-16, 08-07-2002)

5-25-4. Collection of Tax.

(1) The tax imposed by this chapter shall be due and payable to the city finance department on a quarterly basis on or before the thirtieth day of the month following each calendar quarter, commencing with the 7th day of August, 2002.

(2) Every person or business taxed under this chapter shall, on or before the thirtieth day of the month following each calendar quarter, file with the city finance director's office a report of its gross revenue for the preceding quarterly period. The report shall be accompanied by a remittance of the amount of tax due for the period covered by the report.

(3) The City may at its discretion opt to contract with the State Tax Commission to perform any or all of the functions related to the administration of this chapter.
(Ord. 2002-16, 08-07-2002)

5-25-5. Penalties and interest.

If the transient room tax is not paid within the time prescribed in this chapter, penalties and interest shall be assessed as set forth in Sections 59-1-401 and 59-1-402, Utah Code Ann.
(Ord. 2002-16, 08-07-2002)

CHAPTER 26. MOBILE FOOD BUSINESSES.

5-26-1. Purpose and intent.
5-26-2. Mobile food business allowed.
5-26-3. Definitions.
5-26-4. Application for a business license.
5-26-5. Fees.
5-26-6. Temporary nature.
5-26-7. Design and operational standards.
5-26-8. Signs.
5-26-9. Professional and personal services prohibited.
5-26-10. Special events.
5-26-11. Violations.

5-26-1. Purpose and intent.

The purposes of this Chapter include to provide clear and concise regulations for mobile food businesses, to prevent safety, traffic, and health hazards, and to preserve the peace, safety, health, and welfare of the community.
(Ord. 2018-12, 09-05-2018)

5-26-2. Mobile food business allowed.

(1) No person shall operate a mobile food business without first obtaining a business license from the City in accordance with this Chapter and Chapter 5-1 (General Provisions).

(2) A separate business license shall be required for each mobile food vehicle.

(3) A mobile food business may operate within commercial, industrial, and mixed use zoning districts.

(4) A mobile food business may operate within Tooele City parks in any zoning district:

(a) pursuant to a permitted special event with the written authorization of the special event permit holder; or,

(b) with written authorization of Tooele City for a City event.

(5) A mobile food business may operate on school or church owned property in any zoning district:

(a) for a school or church event; and,

(b) with written authorization of the property owner.

(6) A mobile food business may not operate within a public right-of-way.

(7) This Chapter shall not apply to vending carts, ice cream trucks, caterers, agricultural vendors, solicitors, itinerant or transient merchants, and other temporary merchants or uses that are regulated elsewhere in this Title 5.
(Ord. 2018-12, 09-05-2018)

5-26-3. Definitions.

The following terms have the following definitions for purposes of this Chapter.

“Food Trailer” means a mobile food business that serves food or beverages from a non-motorized vehicle larger than 3 feet in width and 8 feet in length that is normally pulled behind a motorized vehicle. The term "food trailer" shall not include vending carts, food trucks, or ice cream trucks.

“Food Truck” means a mobile food business that serves food or beverages from an enclosed, self-contained motorized vehicle. The term "food truck" shall not include vending carts, food trailers, or ice cream trucks.

“Mobile Food Business” means a business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and is readily movable, without disassembly, for transport to another location. The term "mobile food business" does not include vending carts or ice cream trucks.

“Mobile Food Vehicle” means a food truck or food trailer.

“Vending Cart” means a non-motorized mobile device or pushcart smaller than 3 feet in width and 8 feet in length from which limited types of products are sold or offered for sale directly to any consumer, where the point of sale is at the cart.
(Ord. 2018-12, 09-05-2018)

5-26-4. Application for a business license.

(1) If a mobile food business has a current business license from another Utah political subdivision, the City shall issue a business license upon the applicant providing the following to the Department:

(a) a copy of the current business license from the other Utah political subdivision;

(b) a copy of the current health department mobile food vehicle permit from a local health department within the state; and,

(c) a copy of the current approval of a Utah political subdivision that shows that the mobile food vehicle passed a fire safety inspection that the other political subdivision conducted in accordance with Utah Code Section 11-56-104, as amended.

(2) If a mobile food business does not have a current business license from another Utah political subdivision, a mobile food business shall submit the following information to the Department:

(a) the name and address of the applicant and the name and address of all employees operating the mobile food vehicle;

(b) a copy of a current health department food truck permit from the Tooele County Health Department; and,

(c) a copy of a fire safety inspection conducted in accordance with Utah Code Section 11-56-104, as amended.

(3) A mobile food business licensed under Subsections (1) or (2), above, shall provide the following information to the City:

(a) the locations where the mobile food vehicle will operate;

(b) the proposed duration of the business activity; and,

(c) a simple site plan, where the mobile food business will operate in the same location for more than 10 hours per week.
(Ord. 2019-26, 11-20-2019) (Ord. 2018-12, 09-05-2018)

5-26-5. Fees.

(1) A mobile food business applicant shall pay a business license fee as required by this Chapter and the Tooele City Fee Schedule. The fee shall be a calendar year fee for the licensed business and shall not include an additional fee for mobile food business employees. The fee is intended to cover the City's administrative cost to provide the license.

(2) Notwithstanding the above, the City will not charge a business license fee for a mobile food business that demonstrates that it is licensed by another Utah political subdivision, but may charge a nominal processing fee.
(Ord. 2018-12, 09-05-2018)

5-26-6. Temporary nature.

All business activity related to a mobile food business shall be of a temporary nature, the duration of which shall not extend for more than 16 hours within a 24-hour period at any one location.
(Ord. 2018-12, 09-05-2018)

5-26-7. Design and operational standards.

Mobile food vehicles shall comply with the following design and operational standards and requirements:

(1) be designed to meet all applicable health department requirements;

(2) not have a drive-through;

(3) be kept in good operating condition, including no visible peeling paint or rust;

(4) locations to be kept clean and free of grease, refuse, and other debris;

(5) refuse and recycling containers to be provided for use of patrons; and,

(6) enclosures or canopy extensions to be integrated into the design of the mobile food vehicle and to not project onto any portion of a public right-of-way.
(Ord. 2018-12, 09-05-2018)

5-26-8. Signs.

No signs shall be used to advertise the conduct of the mobile food business other than those which are physically attached to the food truck or food trailer.
(Ord. 2018-12, 09-05-2018)

5-26-9. Professional and personal services prohibited.

The performance of professional or personal services for sale shall not be provided from a food truck.
(Ord. 2018-12, 09-05-2018)

5-26-10. Special events.

A mobile food business operating at a special event approved under Chapter 8-16, with the authorization of the special event permit holder, is exempt from the licensing requirements of this Chapter; provided however, that the business shall:

(1) comply with all other requirements of this Chapter and of Chapter 8-16 (Special Events); and,

(2) have available for City inspection the following:

(a) a copy of a current health department food truck permit from a local health department; and,

(b) a copy of a current approval of a Utah political subdivision that shows that the mobile food business passed a fire safety inspection conducted in accordance with Utah Code Section 11-56-104, as amended.
(Ord. 2018-12, 09-05-2018)

5-26-11. Violations.

Violation of the provisions of this Chapter is punishable as provided in Section 5-1-33.
(Ord. 2024-22, 08-21-2024)

CHAPTER 27. WIRELESS COMMUNICATION SERVICES

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Article I. Declaration of Findings and Intent—Scope of Ordinance.

5-27-1. Findings regarding right-of-way.

(1) Tooele City finds that the rights-of-way within the City:

(a) are critical to the travel and transport of persons and property in the business and social life of the City;

(b) are intended for public uses and must be managed and controlled consistent with that intent;

(c) can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit to the enhancement of the health, welfare, and general economic well-being of the City and its citizens; and,

(d) are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the allowed uses and to minimize the inconvenience to and negative effects upon the public from such facilities construction, placement, relocation, and maintenance in the right-of-way.

(2) Finding Regarding Compensation. The City finds the right to occupy portions of the right-of-way for limited times for the business of providing personal wireless services is a valuable use of a unique public resource that has been acquired and is maintained at great expense to the City and its taxpayers, and, therefore, the taxpayers of the City should receive fair and reasonable compensation for use of the rights-of-way.

(3) Finding Regarding Local Concern. The City finds that while wireless communication facilities are in part an extension of interstate commerce, their operations also involve and affect the rights-of-way, municipal franchising, and vital business and community services, which are of local concern.

(4) Finding Regarding Promotion of Wireless Communication Services. The City finds that it is in the best interests of its taxpayers and citizens to promote the rapid and orderly development of wireless communication services, on a nondiscriminatory basis, responsive to community and public interests, and to assure availability for municipal, educational, and community purposes.

(5) Findings Regarding Franchise Standards. The City finds that it is in the best interests of the public to franchise and to establish standards for franchising providers in a manner that:

(a) compensates the City fairly and reasonably on a competitively neutral and nondiscriminatory basis, as provided herein;

(b) encourages competition by establishing terms and conditions under which providers may use the rights-of-way to serve the public;

(c) protects fully the public interests and the City from any harm that may flow from such commercial use of rights-of-way;

(d) protects the police powers and right-of-way management authority of the City, in a manner consistent with federal and state law;

(e) otherwise protects the public interests in the development and use of the City's infrastructure;

(f) protects the public's investment in improvements in the rights-of-way; and,

(g) ensures that no barriers to entry by wireless communication service providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting personal wireless services, within the meaning of the Telecommunications Act of 1996 ("Act") (P.L. No. 96-104).

(6) Power to Manage Rights-of-Way. The City adopts the wireless communication services ordinance codified in this Chapter pursuant to its power to manage the public rights-of-way, pursuant to common law, the Utah Constitution and statutory authority, and the City Charter, and to receive fair and reasonable compensation for the use of rights-of-way by providers as expressly set forth by Section 253 of the Act.

(Ord. 2018-16, 12-19-2018)

5-27-2. Scope of ordinance.

This Chapter shall provide the basic local framework for providers of wireless communication services and systems that require the use of the right-of-way, including providers of both the system and service, those providers of the system only, and those providers who do not build the system but who only provide services. This Chapter shall apply to all future providers and to all providers in the City existing prior to the effective date of the ordinance codified in this Chapter, whether operating with or without a wireless franchise as set forth in Section 5-27-76.

(Ord. 2018-16, 12-19-2018)

5-27-3. Excluded activity.

(1) Cable TV. This Chapter shall not apply to cable television operators otherwise regulated by Chapter 5-18 (Utility License Tax), regarding cable television services, or to open video system providers otherwise regulated.

(2) Wireline Services. This Chapter shall not apply to wireline service facilities.

(3) Provisions Applicable. All of the requirements imposed by this Chapter through the exercise of the City's police power and not preempted by other law shall be applicable.

(Ord. 2018-16, 12-19-2018)

Article II. Defined Terms.

5-27-4. Definitions.

For purposes of this Chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this Section, unless the context

clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, and words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

"Antenna" is defined in Utah Code Ann. § 54-21-101(1), as amended.

"Applicable codes" is defined in Utah Code Ann. § 54-21-101(2), as amended.

"Applicable standards" is defined in Utah Code Ann. § 54-21-101(3), as amended.

"Applicant" is defined in Utah Code Ann. § 54-21-101(4), as amended.

"Application" is defined in Utah Code Ann. § 54-21-101(5), as amended.

"Backhaul network" means the lines that connect a provider's WCFs to one or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

"City" means Tooele City Corporation and Tooele City, Utah.

"Collocate" is defined in Utah Code Ann. § 54-21-101(11), as amended. Except as otherwise allowed by this Chapter, the cumulative impact of colocation at a site is limited to no more than 6 cubic feet in volume for antennas and antenna arrays, and no more than 28 cubic feet in volume of associated equipment, whether deployed on the ground or on the structure itself.

"Construction costs" means all costs of constructing a system, including make ready costs, other than engineering fees, attorney's or accountant's fees, or other consulting fees.

"Control" or "controlling interest" means actual working control in whatever manner exercised, including working control through ownership, management, debt instruments, or negative control, as the case may be, of the system or of a provider. A rebuttable presumption of the existence of control or a controlling interest shall arise from the beneficial ownership, directly or indirectly, by any person, or group of persons acting in concert, of more than 35% of any provider (which person or group of persons is hereinafter referred to as "controlling person"). "Control" or "controlling interest" as used herein may be held simultaneously by more than one person or group of persons.

"Distributed antenna system" or "DAS" means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

"FAA" means the Federal Aviation Administration, or any successor thereto.

"FCC" means the Federal Communications Commission, or any successor thereto.

"Franchise" means the rights and obligations extended by the City to a provider to own, lease, construct, maintain, use, or operate a wireless communication system in a right-of-way within the boundaries of the City. Any such authorization, in whatever form granted, shall not mean or include the following: (1) any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City; or, (2) any other permit, agreement, or authorization required in connection with operations on right-of-way or public property, including permits and agreements for placing devices on or in poles, conduits, or other structures, whether owned by the City or a private entity, or for excavating or performing other work in or along the right-of-way.

"Franchise agreement" means a contract entered into in accordance with the provisions of this Chapter between the City and a provider that sets forth, subject to this Chapter, the terms and conditions under which a wireless franchise will be exercised.

"In-strand antenna" means an antenna that is suspended by or along a wireline between utility poles and is not physically supported by any attachments to a base station, utility support structure, or tower. An in-strand antenna may not exceed 3 cubic feet in volume. For each in-strand antenna, its associated equipment, whether deployed on the ground or on the structure itself, may not be larger than 17 cubic feet in volume. In calculating equipment volume, the volume of power meters and vertical cable runs for the connection of power and other services shall be excluded. In-strand antennas in the rights-of-way are exempt from the requirements of Chapter 7-27 (Personal Wireless Telecommunications Facilities), but shall comply with the provisions of this Chapter.

"Infrastructure provider" means a person providing to another, for the purpose of providing personal wireless services to customers, all or part of the necessary system which uses the right-of-way.

"Macrocell" means a wireless communication facility that provides radio frequency coverage served by a high power cell site (tower, antenna, or mast). Generally, macro cell antennas are mounted on ground-based towers, rooftops, and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities are typically greater than 3 cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers. For purposes of this Chapter, a macrocell is anything other than a small wireless facility or in-strand antenna. In addition to the requirements of this Chapter, a macrocell must comply with the applicable zoning and land use requirements as Personal Wireless Services Facilities under Chapter 7-27 (Personal Wireless Telecommunications Facilities).

"Micro wireless facility" is defined in Utah Code Ann. § 54-21-101(21), as amended.

"Ordinance" or "wireless ordinance" means the ordinance concerning the granting of wireless franchises in and by the City for the construction, ownership, operation, use, or maintenance of a wireless communication system.

"Person" includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the City.

"Personal wireless services facilities" has the same meaning as provided in Section 704 of the Act (47 U.S.C. Section 332(c)(7)(c)), which includes what is commonly known as cellular services.

"PSC" means the Public Service Commission, or any successor thereto.

"Right-of-way" is defined in Utah Code Ann. § 54-21-101(24), as amended.

"Site" means the location in the right-of-way of a wireless communication facility, a utility pole, or their associated equipment.

"Small wireless facility" is defined in Utah Code Ann. § 54-21-101(35), as amended. Small wireless facilities in the rights-of-way are exempt from the requirements of Chapter 7-27 (Personal Wireless Telecommunication Facilities).

"Stealth design" means technology or installation methods that minimize the visual impact of wireless communication facilities by camouflaging, disguising, screening, or blending into the surrounding environment. Examples of stealth design include facilities disguised as trees (e.g., monopines), utility and light poles, and street furniture.

"Substantial modification" is defined in Utah Code Ann. § 54-21-101(26), as amended.

"Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing (e.g., data, video, voice), without change in the form or content of the information sent and received.

"Telecommunications services" or "services" means any telecommunications or communications services provided by a provider within the City that the provider is authorized to provide under federal, state, and local law, and any equipment and/or facilities required for and integrated with the services provided within the City, except that these terms do not include "cable service" as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. Section 521, et seq.), and the Telecommunications Act of 1996.

"Telecommunications system" or "system" means all conduits, manholes, poles, antennas, transceivers, amplifiers, and all other electronic devices, equipment, wire, and appurtenances owned, leased, or used by a provider, located in the right-of-way and utilized in the provision of services, including fully digital or analog, voice, data, and video imaging and other enhanced telecommunications services.

"Utility pole" or "pole" is defined in Utah Code Ann. § 54-21-101(28), as amended.

"Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services, including private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as, microwave backhaul.

"Wire" means fiber optic telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

"Wireless facility," "wireless communication facility," or "WCF" is defined in Utah Code Ann. § 54-21-101(29), as amended.

"Wireless provider" or "provider" is defined in Utah Code Ann. § 54-21-101(31), as amended.

"Wireless service" is defined in Utah Code Ann. § 54-21-101(32), as amended.

"Wireless support structure" is defined in Utah Code Ann. § 54-2-101(34), as amended.
(Ord. 2018-16, 12-19-2018)

Article III. Wireless Franchise Required.

5-27-5. Nonexclusive wireless franchise.

The City is empowered and authorized to issue nonexclusive wireless franchises governing the installation, construction, operation, use, and maintenance of wireless systems in the City's rights-of-way, in accordance with the provisions of this Chapter. The wireless franchise is granted through a wireless franchise agreement entered into between the City and provider.
(Ord. 2018-16, 12-19-2018)

5-27-6. Every provider must obtain.

Except to the extent preempted by federal or state law, every provider must obtain a wireless franchise prior to constructing, operating, leasing, or subleasing a wireless communication system or providing wireless service using the rights-of-way. The fact that particular telecommunications systems may be used for multiple purposes does not obviate the need to obtain a franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide wireless services over the same system, must also obtain a wireless franchise.
(Ord. 2018-16, 12-19-2018)

5-27-7. Nature of grant.

A wireless franchise shall not convey title, equitable or legal, in the rights-of-way. A wireless franchise is only the right to occupy rights-of-way on a nonexclusive basis for the limited purpose and for the limited period stated in the wireless franchise; the franchise right may not be subdivided, assigned, or

subleased. A wireless franchise does not excuse a provider from obtaining appropriate access or pole attachment agreements before collocating its system on the property of others, including on the City's property. This Section shall not be construed to prohibit a provider from leasing conduit to another provider, so long as the lessee has obtained a franchise.
(Ord. 2018-16, 12-19-2018)

5-27-8. Current providers.

Except to the extent exempted by federal or state law, any provider acting without a wireless franchise on the effective date of the ordinance codified in this Chapter shall request issuance of a wireless franchise from the City within 90 days of the effective date of the ordinance codified in this Chapter. If such request is made, the provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a wireless franchise is not granted, the provider shall comply with the provisions of Section 5-27-68 (Extended operation and continuity of services).
(Ord. 2018-16, 12-19-2018)

5-27-9. Nature of wireless franchise.

The wireless franchise granted by the City under the provisions of this Chapter shall be a nonexclusive wireless franchise providing the right and consent to install, repair, maintain, remove, and replace its system on, over, and under the right-of-way in order to provide services.
(Ord. 2018-16, 12-19-2018)

5-27-10. Regulatory approval needed.

Before offering or providing any services pursuant to the wireless franchise, a provider shall obtain any and all regulatory approvals, permits, authorizations, or licenses for the offering or provision of such services from the appropriate federal, state, and local authorities, if required, and shall submit to the City, upon the written request of the City, evidence of all such approvals, permits, authorizations, or licenses.
(Ord. 2018-16, 12-19-2018)

5-27-11. Term.

No wireless franchise issued pursuant to this Chapter shall have a term of less than 5 years or greater than 15 years. Each wireless franchise shall be granted in a nondiscriminatory manner.
(Ord. 2018-16, 12-19-2018)

Article IV. Compensation and Other Payments.

5-27-12. Compensation.

As fair and reasonable compensation for any wireless franchise granted pursuant to this Chapter, a provider shall have the following obligations:

(1) Application Fees. A provider shall pay the following application fees for the respective applications in accordance with Utah Code Ann. § 54-21-503, as amended:

(a) $100 for each small wireless facility;

(b) $250 for each utility pole associated with a small wireless facility; and,

(c) $1000 for each utility pole or WCF that is not permitted under Utah Code Ann. § 54-21-204, as amended.

(2) Right-of-Way Rate. A provider shall pay a right-of-way rate of the greater of 3.5% of all gross revenues related to the provider's use of the City's right-of-way for small wireless facilities or $250 annually for each small wireless facility in accordance with Utah Code Ann. § 54-21-502(2). A provider does not have to the pay this rate if it is subject to the municipal telecommunications license tax under Title 10, Part 4, Municipal Telecommunications License Tax Act.

(3) Permit Fees. The provider shall also pay fees required for any permit necessary to install and maintain the proposed WCF or utility pole.

(4) Authority Pole Collocation Rate. The City adopts the authority pole collocation rate as established in Utah Code Ann. § 54-21-504, as amended.
(Ord. 2018-16, 12-19-2018)

5-27-13. Timing.

Unless otherwise agreed to in the wireless franchise agreement, all right-of-way rates shall be paid in accordance with Utah Code Ann. § 54-21-502, as amended.
(Ord. 2018-16, 12-19-2018)

5-27-14. Fee statement and certification.

Each rate payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.
(Ord. 2018-16, 12-19-2018)

5-27-15. Future costs.

A provider shall pay to the City or to third parties, at the direction of the City, an amount equal to the reasonable costs and expenses the City incurs for the services of third parties (including attorneys and other consultants) in connection with any renewal or provider-initiated renegotiation, transfer, amendment, or a wireless franchise; provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations.
(Ord. 2018-16, 12-19-2018)

5-27-16. Taxes and assessments.

To the extent taxes or other assessments are imposed by taxing authorities, other than the City on the use of the City property as a result of a provider's use or occupation of the right-of-way, the provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall

be in addition to any other fees payable pursuant to this Chapter to the extent permitted by law.
(Ord. 2018-16, 12-19-2018)

5-27-17. Interest on late payments.

In the event that any payment is not actually received by the City on or before the applicable date fixed in the wireless franchise, interest thereon shall accrue from such date until received at the rate charged for delinquent state taxes.
(Ord. 2018-16, 12-19-2018)

5-27-18. No accord and satisfaction.

Acceptance by the City of any rate or fee shall not be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be construed as a release of any claim the City may have for additional sums payable.
(Ord. 2018-16, 12-19-2018)

5-27-19. Not in lieu of other taxes or fees.

A rate or fee payment is not a payment in lieu of any tax, fee, or other assessment except as specifically provided in this Chapter, or as required by applicable law. By way of example and not limitation, excavation permit fees are not waived and remain applicable.
(Ord. 2018-16, 12-19-2018)

5-27-20. Continuing obligation and holdover.

In the event a provider continues to operate all or any part of the system after the term of the wireless franchise, such operator shall continue to comply with all applicable provisions of this Chapter and the wireless franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation; provided, however, that any such continued operation shall in no way be construed as a renewal or other extension of the wireless franchise, nor as a limitation on the remedies, if any, available to the City as a result of such continued operation after the term, including damages and restitution.
(Ord. 2018-16, 12-19-2018)

5-27-21. Costs of publication.

A provider shall assume any publication costs associated with its wireless franchise that may be required by law.
(Ord. 2018-16, 12-19-2018)

Article V. Wireless Franchise Applications.

5-27-22. Wireless franchise application.

To obtain a wireless franchise to construct, own, maintain, or provide services through any wireless system within the City's rights-of-way, to obtain a renewal of a wireless franchise granted pursuant to this Chapter, or to obtain the City approval of a transfer of a wireless franchise, as provided in Article IX (Wireless Franchise and License Transferability), granted pursuant to this Chapter, an application must be filed with City.
(Ord. 2018-16, 12-19-2018)

5-27-23. Application criteria.

In making a determination as to an application filed pursuant to this Chapter, the City may request information, including the following, from the provider.

(1) A copy of the order from the PSC granting a certificate of convenience and necessity, if any is necessary for provider's offering of wireless communication services within the state of Utah.

(2) An annually renewed performance bond or letter of credit from a Utah-licensed financial institution in the amount of $25,000 to compensate the City for any damage caused by the provider to the City's rights-of-way or property during the term of the franchise agreement or the provider's abandonment of WCFs within a year after the expiration or termination of the franchise agreement.

(3) A copy of the provider's FCC license or registration, if applicable.

(4) An insurance certificate for the provider that lists the City as an additional insured and complies with the requirements of the franchise agreement.
(Ord. 2018-16, 12-19-2018)

5-27-24. Wireless franchise determination.

The City, in its discretion, shall determine the award of any wireless franchise on the basis of the considerations contained in this Chapter, and other considerations relevant to the use of the rights-of-way, without competitive bidding.
(Ord. 2018-16, 12-19-2018)

5-27-25. Incomplete application.

The City may deny an applicant's wireless franchise application for incompleteness the following occur.

(1) The application is incomplete.

(2) The City provided notice to the applicant that the application was incomplete and provided, with reasonable specificity, the information needed to complete the application.

(3) The provider did not provide the requested information within 30 days of the notice.
(Ord. 2018-16, 12-19-2018)

Article VI. Site Applications.

5-27-26. Franchise necessary.

Prior to approving a site permit, the applicant must have a valid franchise agreement granted by applicable law.
(Ord. 2018-16, 12-19-2018)

5-27-27. Site preference.

When small wireless facilities are to be constructed in the rights-of-way, the City's order of preference for a provider is as follows.

(1) To install in-strand antennas.

(2) To collocate on existing poles.

(3) To collocate on replacement poles in the same or nearly the same location and with such heights as provided in this Chapter or in the franchise.

(4) Lastly, to collocate on new poles.

(Ord. 2018-16, 12-19-2018)

5-27-28. Poles adjacent to residential properties.

In accordance with Utah Code Ann. § 54-21-103(6), as amended, a provider may not install a new utility pole in a right-of-way if the right-of-way is adjacent to or part of a street or thoroughfare that is 60 feet wide or less, as depicted on the official plat records or recorded deeds of dedication, and that is adjacent to single-family residences, multifamily residences, or undeveloped land that is designated for residential use by land use plan, zoning ordinance, zoning map, or deed restriction.

(Ord. 2018-16, 12-19-2018)

5-27-29. Height and size restrictions.

(1) The height of a new or modified utility pole, including a collocated WCF, may not exceed 50 feet above the ground level.

(2) For a utility pole existing on or before September 1, 2018, an antenna of a WCF may not extend more than 10 feet above the top of the utility pole.

(3) A small wireless facility and its associated equipment may not exceed the dimensions set forth in Utah Code Ann. § 54-21-101(25), as amended.

(Ord. 2018-16, 12-19-2018)

5-27-30. Safety.

A WCF, pole, cabinet, or other equipment shall not violate the requirements in Utah Code Ann. § 54-21-302, as amended. A small wireless facility, pole, cabinet, and other equipment may not do any of the following.

(1) Interfere materially with the safe operation of traffic control equipment.

(2) Interfere materially with a sight line or clear zone for vehicular or pedestrian traffic.

(3) Interfere materially with compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 et seq., or a similar federal or state standard regarding pedestrian access or movement.

(4) Create a public health or safety hazard.

(5) Obstruct or hinder the usual travel or public safety of the right-of-way.

(6) Violate any applicable law or legal obligation.

(Ord. 2018-16, 12-19-2018)

5-27-31. Equipment.

(1) Due to the limited size and capacity of the City's rights-of-way, applicants shall be required to install any equipment associated with a small wireless facility according the following requirements, to the extent operationally and technically feasible and to the extent permitted by law.

(a) Existing utility poles. If a WCF is collocated on an existing utility pole, the WCF's associated equipment may be installed in one of the following methods.

(i) Within a pole. Any equipment installed within a pole may not protrude from the pole except to the extent reasonably necessary to connect to power or to a wireline.

(ii) On a pole. Any equipment enclosure installed on a pole must:

(A) be flush with the pole;

(B) be painted to reasonably match the color of the pole;

(C) not exceed in width the diameter of the pole by more than 3 inches on either side;

(D) not allow the furthest point of the enclosure to extend more than 18 inches from the pole; and,

(E) be installed flush with the grade or, alternatively, the lowest point may not be lower than 8 feet from the grade directly below the equipment enclosure.

(iii) Underground. Any equipment installed underground shall be located in a park strip within the City's rights-of-way and shall be installed and maintained level with the surrounding grade.

(iv) Private property. For any equipment installed on private property, the applicant must provide written permission from the property owner allowing the applicant to locate facilities on the property. If equipment is placed in an enclosure, the enclosure shall be designed to blend in with existing surroundings, using architecturally compatible construction, colors, and landscaping, and shall be located as unobtrusively as possible consistent with the proper functioning of the WCF. Equipment placed on private property may be subject to zoning and land use provisions of Title 7 (Uniform Zoning Title of Tooele City).

(b) Replacement utility poles. If a WCF is collocated on a replacement utility pole, the WCF's associated equipment may be installed in the following manner.

(i) To the extent technologically and economically feasible, a provider must install the WCF's associated equipment within the replacement utility pole in accordance with Subsection (1)(a)(i).

(ii) If the installation of the WCF's equipment within the replacement utility pole is not technologically or economically feasible, a provider may install the WCF's associated equipment in

accordance with any of the methods established in Subsection (1)(a)(ii)-(iv).

(c) New utility poles. If a WCF is collocated on a new utility pole, a provider must install the WCF's associated equipment within the pole in accordance with Subsection (1)(a)(i) or (iv).

(2) As required for the operation of a WCF or its equipment, an electric meter may be installed in accordance with requirements from the electric provider; provided, however, that the electric meter must be installed in the location that (1) minimizes its interference with other users of the City's rights-of-way, including pedestrians, motorists, and other entities with equipment in the right-of-way, and (2) minimizes any negative aesthetic impact.

(3) The City shall not provide an exemption to these requirements when there is insufficient room in the right-of-way to place facilities at ground-level and comply with ADA requirements, public safety concerns for pedestrians, cyclists, and motorists, or other articulable public safety concerns.
(Ord. 2018-16, 12-19-2018)

5-27-32. Undergrounding.

A provider must underground its equipment in accordance with Section 7-19-24 (Public utilities), as amended, and Utah Code Ann. §54-21-207, as amended.
(Ord. 2018-16, 12-19-2018)

5-27-33. Visual impact.

(1) Minimization. All WCFs shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible within 100 feet of a site, and consistent with the proper functioning of the WCF.

(2) Integration. WCFs and equipment shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall be designed to be compatible with the built environment through matching and complimentary existing structures and specific design considerations, such as, architectural designs, height, scale, color, and texture, or be consistent with other uses and improvements permitted in the relevant vicinity, e.g., city block.

(3) Decorative poles. If a provider must displace a decorative pole to collocate a small wireless facility, the replacement pole must reasonably conform to the design aesthetic of the displaced decorative pole.

(4) Downtown Overlay. Subject to Utah Code Ann. § 54-21208, as amended, a provider's design and location must be approved prior to collocating a new small wireless facility or installing a new utility pole in the Downtown Overlay zoning district (DO) and any neighboring area within a ¼ mile.
(Ord. 2018-16, 12-19-2018)

5-27-34. Stealth design/technology.

(1) Stealth design is required, and concealment techniques must be utilized, consistent with the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design features shall be designed and constructed to substantially conform to surrounding utility poles, light poles, or other similar support structures in the rights-of-way so the WCF is visually unobtrusive.

(2) Stealth design requires screening WCFs in order to reduce visual impact. The provider must screen all substantial portions of the facility from view. Such screening should match the color and finish of the attached support structure.

(3) All WCFs shall be fully encased and enclosed with no exposed wiring.

(4) WCFs and their associated equipment must be installed flush with any pole or support structure (including antennas mounted directly above the top of an existing pole or support structure), and the furthest point of an antenna or equipment may not extend beyond 18 inches from the pole or support structure except if the pole owner requires use of a standoff to comply with federal, state, or local rules, regulations, or laws. Any required standoff may not defeat stealth design and concealment requirements.

(5) Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the state.
(Ord. 2018-16, 12-19-2018)

5-27-35. Lighting.

Only such lighting as is necessary to satisfy FAA requirements is permitted. White strobe lighting will not be allowed, unless specifically required by the FAA. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is permitted, as long as it is down-shielded to keep light within the boundaries of the site.
(Ord. 2018-16, 12-19-2018)

5-27-36. Signage.

No facilities may bear any signage or advertisement except as allowed in Chapter 7-25.
(Ord. 2018-16, 12-19-2018)

5-27-37. Site design flexibility.

Individual WCF sites vary in the location of adjacent buildings, existing trees, topography, and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within the right-of-way. Therefore, the WCF and supporting equipment shall be installed so as to best camouflage, disguise, or conceal them, to make the WCF more closely compatible with and blend into the setting or host structure, to minimize the visual impact of the WCF, supporting equipment, and equipment enclosures on

neighboring properties, and to interfere less with pedestrians, cyclists, motorists, and other users of the rights-of-way upon approval by the City.
(Ord. 2018-16, 12-19-2018)

5-27-38. General requirements.

All wireless communication facilities and utility poles shall be required to obtain a site permit and shall be subject to the site development standards prescribed herein. Every site permit application, regardless of type, shall contain the information required for an application under this Chapter and the applicable building codes and shall provide an industry standard pole load analysis.
(Ord. 2018-16, 12-19-2018)

5-27-39. Application review process.

(1) Review for completeness. Upon receiving an application for the collocation of a small wireless facility or a new, modified, or replacement utility pole, the City will determine within 30 days if the application is complete. The City will notify the applicant whether the application is complete.

(2) Incomplete application. If the City determines the application is incomplete:

(a) the City will specifically identify the missing information in the written notification to the applicant; and,

(b) the review deadline in Subsection (1) is tolled from the day that the City sends the applicant written notice of the missing information or as the applicant and the City agree in writing.

(3) Shot clocks. The City must approve or deny a complete application within:

(a) 30 days, for the installation of an in-strand antenna;

(b) 60 days, for the collocation of a small wireless facility; or,

(c) 105 days, for a new, modified, or replacement utility pole.

(4) Extension. The City may extend the shot clock deadlines in this Section for an additional 10 business days if the City notifies the applicant before the day in which the deadline expires.

(5) Deemed approved. If the City fails to approve or deny an application before its deadline or extended deadline, the application is deemed approved.

(6) Denial. The City may deny an application that fails to meet the requirements of this Chapter. If the City denies an application, the City will notify the applicant of the denial and document the basis for the denial, including any specific laws on which the denial is based.

(7) Cure. Within 30 days of the City's denial, the applicant may cure any deficiency identified in the City's denial and resubmit its application without paying an additional application fee. The resubmitted application shall highlight the additional and revised information and materials. The City must approve or deny the resubmitted application within 30 days of its receipt. The City may only review the portions of the application that were missing, deficient, or revised.
(Ord. 2018-16, 12-19-2018)

5-27-40. Application consolidation and submission limit.

(1) Consolidated application. An applicant may file a consolidated application for either:

(a) the collocation of up to 25 small wireless facilities, if all the small wireless facilities in the application are substantially the same type and are proposed for collocation on substantially the same types of structures; or,

(b) the installation, modification, or replacement of up to 25 utility poles.

(2) A consolidated application may not combine the collocation of small wireless facilities and the installation, modification, or replacement of utility poles.

(3) Submission limit. Within a 30-day period, an applicant may not file more than one consolidated application or multiple applications that collectively seek for a combined total of more than 25 small wireless facilities and utility poles.
(Ord. 2018-16, 12-19-2018)

5-27-41. Expired application.

An application expires if the City has notified the applicant that the application is incomplete and the applicant fails to respond within 90 days of the City's notification.
(Ord. 2018-16, 12-19-2018)

5-27-42. Site permit approval.

Upon approval of a site permit, a provider:

(1) must complete the work approved within the scope of the permit and must make the small wireless facility operational within 270 days after the day on which the City issues the permit, unless the lack of commercial power or communications facilities at the site delays completion, in which case the 270 days begins to run on the date commercial power or communications facilities are accessible at the site;

(2) is authorized to operate and maintain any small wireless facility or utility pole covered by the permit for a period of 10 years from the date of approval; and,

(3) is not authorized to provide communications service within the rights-of-way or to install, place, or operate any other facility or structure in the rights-of-way.
(Ord. 2018-16, 12-19-2018)

5-27-43. Site permit renewal.

(1) A provider with a current franchise agreement may renew an expiring site permit by submitting an application no sooner than 90 days prior the expiration of the site permit with the following information:

(a) the location of the permitted site;

(b) the type of site permit; and,

(c) sufficient evidence that the WCF or utility pole meets or exceeds the requirements of this Chapter at the time of renewal.

(2) A site permit renewal may not be approved unless the covered WCF or utility pole is in compliance with this Chapter at the time the site permit renewal application is submitted.

(3) A site permit renewal application will have the same application fee and review process as a collocation application.

(Ord. 2018-16, 12-19-2018)

5-27-44. Exemptions.

(1) In accordance with Utah Code Ann. § 54-21-303, as amended, a provider is not required to submit an application, obtain a permit, or pay a rate for:

(a) routine maintenance;

(b) the replacement of a small wireless facility with a small wireless facility that is:

(i) substantially similar; or,

(ii) smaller in size; or;

(c) the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is strung on a cable between existing utility poles in compliance with the National Electrical Safety Code.

(2) A provider must obtain a street excavation permit as required under Chapter 4-9 for any activities that require excavation or closing of sidewalks or vehicular lanes in a right-of-way.

(3) A provider must provide the City with 14 days prior written notice, with sufficient supporting documentation, of any of the activities described in this Section. For example, the notice of the replacement of a small wireless facility that is substantially similar to an existing small wireless facility must include documentation that demonstrates that the replacement small wireless facility meets the requirements of being substantially similar.

(Ord. 2018-16, 12-19-2018)

5-27-45. Exceptions to standards.

(1) Except as otherwise provided in this Chapter, no WCF shall be used or developed contrary to any applicable development standards unless an exception has been granted pursuant to this Section. The provisions of this Section apply exclusively to WCFs and are in lieu of the generally applicable variance and design departure provisions in this Code; provided, however, that this Section does not provide an exception from this Chapter's visual impact and stealth design standards and requirements.

(2) A WCF's exception is subject to approval by the City.

(3) An application for a WCF exception shall include the following.

(a) A written statement demonstrating how the exception would meet the standards established in this Chapter.

(b) A site plan that includes the following:

(i) a description of the proposed facility's design and dimensions, as it would appear with and without the exception;

(ii) elevations showing all components of the WCF, as it would appear with and without the exception;

(iii) color simulations of the WCF after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception; and,

(iv) an explanation that demonstrates the following:

(A) for macrocells, a significant gap in the coverage, capacity, or technologies of the service network exists such that users are frequently unable to connect to the service network, are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(B) the gap can only be filled through an exception to one or more of the standards herein;

(C) the exception is narrowly tailored to fill the service gap such that the WCF conforms to the standards established in this Chapter to the greatest extent possible; and,

(D) the manner in which the applicant proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive means on the values that these regulations seek to protect; and,

(v) any other information requested by the City in order to review the exception.

(4) An application for a WCF exception shall be granted if the exception is consistent with the purpose of the standard for which the exception is sought.

(Ord. 2018-16, 12-19-2018)

5-27-46. Application to install a macrocell or nonpermitted utility pole.

(1) The City generally does not permit macrocells and utility poles that are not permitted under Utah Code Ann. § 54-21-204 within a right-of-way. The City will only permit a nonpermitted macrocell or utility pole if required by federal law.

(2) Macrocells and utility poles that are not permitted under Utah Code Ann. § 54-21-204, as amended, are not subject to the application approval process established in Section 5-27-39 (Application review process). As such, this Section implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153.

(3) Application review for nonpermitted macrocells and utility poles.

(a) The City shall prepare and make publicly available an application form, the requirements of which shall be limited to the information necessary for the City to consider whether an application is a request to install a nonpermitted macrocell or utility pole.

(b) Upon receipt of an application for a nonpermitted macrocell or utility pole pursuant to this Section, the City shall review the application, make a final decision to approve or disapprove the application, and advise the applicant in writing of the City's final decision.

(c) Within 150 days of the date on which an applicant submits an application seeking approval of a nonpermitted macrocell or utility pole under this Section, the City shall review and act upon the application, subject to the tolling provisions below.

(d) The 150-day review period begins to run when the application is filed and may be tolled only by mutual written agreement between the City and the applicant, or in cases where the City determines that the application is incomplete.

(i) To toll the time frame for reason of incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

(ii) The time frame for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

(iii) Following a supplemental submission, the City will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Section. Second or subsequent notices of incompleteness need not specify missing documents or information that were delineated in the original notice of incompleteness.

(e) Failure to Act. In the event the City fails to approve or deny a complete application under this Section within the time frame for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

(4) In addition to the information required in Section 5-27-38 (General requirements), a nonpermitted macrocell or utility pole application must also include the following information.

(a) The manufacturer's recommended installation, if any.

(b) A written affirmation for the applicant that the macrocell or utility pole meets or exceeds all applicable codes, applicable standards, and federal, state, and local requirements, laws, regulations, and polices.

(c) A map that indicates the type and separation distance of other WCFs owned or operated by the same wireless provider from the proposed WCF.

(d) A visual analysis including to-scale photo and visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least two angles, together with a map that shows the location of each view including all equipment and ground wires. Such visual analysis must include a description, drawing, and elevations with the finished color, method of camouflage, and any illumination.

(e) A detailed explanation justifying why the WCF is required in the right-of-way. The applicant must demonstrate in a clear and complete written alternative sites analysis that multiple alternatives in the geographic range of the service coverage objectives of the applicant were considered. This includes, but is not limited to, explaining why the installation of permitted small wireless facilities and the installation of a macrocell on non-right-of-way property, the latter pursuant to Chapter 7-27 (Personal Wireless Telecommunications Facilities), are insufficient. This analysis must include a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

(i) A complete alternative sites analysis provided under this subsection may not include less than 5 alternative sites unless the applicant provides a factually detailed rationale for why it could not identify at least 5 potentially available sites.

(ii) For purposes of disqualifying potential alternative sites for the failure to meet the applicant's service coverage objectives the applicant must provide the following:

(A) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency, or technology;

(B) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative; and,

(C) a description of why the alternative does not meet the objective.

(f) An explanation that demonstrates the following.

(i) A significant gap in the coverage, capacity, or technologies of the service network exists such that users are frequently unable to connect to the service network, are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building.

(ii) The gap can only be filled through an exception to one or more of the standards contained in this Chapter.

(iii) The exception is narrowly tailored to fill the service gap such that WCF conforms to the standards contained in this Chapter to the greatest extent possible.

(iv) The manner in which the applicant proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive means on the values that these regulations seek to protect.

(g) A noise study for the proposed WCF and all associated equipment. The application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Utah-license Professional Engineer that demonstrates that the WCF will comply with the intent and goals of this Chapter.

(h) The proposed WCF may not be closer than the average distance between existing poles that are within 1 mile of the proposed site. If no poles exist within 1 mile of proposed pole site, then all subsequently placed poles must be at least 250 feet from each other.

(i) The design of a new pole must comply with the requirements of this Chapter and be approved by the City.

(j) An affidavit certifying that the applicant has posted or mailed notices to property owners within 300 feet of the proposed WCF site.

(i) This requirement is not necessary to have been completed at the time the application is submitted, but is required to be completed prior to approval of a permit.

(ii) The notice shall provide the following information:

(A) the applicant's name and contact information;

(B) a phone number for the provider by which an individual could request additional information;

(C) a scaled site plan clearly indicating the location, type, height, and width of the proposed tower, separation distances, adjacent roadways, photo simulations, a depiction of all proposed transmission equipment, setbacks from property lines and the nearest buildings, and elevation drawings or renderings of the proposed tower and any other structures; and,

(D) language that states "If you have any public safety concerns or comments regarding the aesthetics or placement of this wireless communication facility, please submit your written comments within 14 days to:

Tooele City Corporation
ATTN: Community Development Director
90 North Main Street
Tooele, Utah 84074

(Ord. 2018-16, 12-19-2018)

Article VII. Construction and Technical Requirements.

5-27-47 General requirement.

(1) No provider shall receive a wireless franchise unless it agrees to comply with each of the terms set forth in this Chapter governing construction and technical requirements for its system, in addition to any other reasonable requirements or procedures specified by the City or the wireless franchise, including requirements regarding colocation and cost sharing.

(2) No antenna, small wireless facility, or other equipment may be added to City poles without a pole attachment agreement with the City or where the City poles are not able to structurally accommodate the antenna, small wireless facility, or other equipment.

(3) WCFs that lawfully existed prior to the adoption of this Chapter shall be allowed to continue their use as they presently exist. This Chapter does not make lawful any WCF that is not fully approved on the date the ordinance codified in this Chapter is adopted, and those pending WCFs will be required to meet the requirements of this Chapter.

(4) The applicant must comply with all federal (such as the Americans with Disabilities Act), state, and local laws and requirements. This includes, but is not limited to, participating in Blue Stakes of Utah as required by Utah Code 54-8a-2 through 54-8a-13, as amended.

(5) In the installation of any WCF within the rights-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any other utility or entity that may already be located in the right-of-way or vicinity. Any damage done to another utility's or entity's property must be immediately reported to both the City and the owner of the damaged property, and must be promptly repaired by the provider, with the provider being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the owner of the damaged property shall constitute cause for revocation of the franchise agreement. When approving the location for a WCF, the location of utilities' or other entities' property, or the need for the location of other utilities, within the rights-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

(6) All WCFs and utility poles must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate WCFs and utility poles including RF emissions. If such standards and regulations are changed, and if WCF equipment is added either through colocation or replacement, then the owners of the WCFs and utility poles governed by this Chapter shall bring such WCFs and utility poles into compliance with such revised

standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring WCFs and utility poles into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF or utility pole at the owner's expense.

(7) A WCF or utility pole must comply with all applicable codes and standards.

(8) All structures shall be constructed and installed to manufacturer's specifications, and constructed to withstand a minimum 100-mile per hour (mph) wind, or the minimum wind speed as required by the City's currently adopted uniform building code.

(9) The following maintenance requirements apply to WCFs, as applicable.

(a) All landscaping shall be maintained at all times and shall be promptly replaced if not successful.

(b) All WCF sites shall be kept clean, neat, and free of litter and refuse.

(c) A WCF shall be kept clean, painted, and in good condition at all times. Rusting, dirty, or peeling facilities are prohibited.

(d) All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.

(e) The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and potential safety impacts of such maintenance.

(10) Inspections.

(a) The City or its agents shall have authority to enter onto the right-of-way upon which a WCF is located to inspect the facility for the purpose of determining whether it complies with the applicable codes and applicable standards.

(b) The City reserves the right to conduct such inspections at any time. In the event such inspection results in a determination that a violation of applicable standards set forth by the City has occurred, the City will notify the provider of the violation.

(c) Upon receipt of a notice of violation, the provider will have 30 days from the date of violation to correct the violation. If the provider fails to correct the violation within the 30-day period, the City may remove the violating WCF or utility pole at the provider's sole expense.

(d) The City may recover all of its costs incurred in processing and removing the violation.

(e) Appeals. The provider may appeal a notice of violation by following the appeals process found in Chapter 1-28.

(Ord. 2018-16, 12-19-2018)

5-27-48. Quality.

All work involved in the construction, maintenance, repair, upgrade, and removal of the system shall be performed in a safe, thorough, and reliable manner using materials of good and durable quality. If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the system, including any means used to distribute signals over or within the system, is harmful to the public health, safety, or welfare, or quality of service or reliability, then a provider shall, at its own cost and expense, promptly correct all such conditions.

(Ord. 2018-16, 12-19-2018)

5-27-49. Licenses and permits.

A provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses, or other forms of approval or authorization necessary to construct, maintain, upgrade, or repair the wireless communication system, including any necessary approvals from persons, entities, the City, and other government entities (such as neighboring cities or the Utah Department of Transportation) to use private property, easements, poles, conduits, and right-of-way. A provider shall obtain any required permit, license, approval, or authorization, including excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval, or authorization is required.

(Ord. 2018-16, 12-19-2018)

5-27-50. Relocation of the system.

(1) Generally. The City may require a provider to relocate or adjust a small wireless facility or utility pole in a right-of-way in a timely manner and without cost to the City.

(2) Emergency. The City may, at any time, in case of fire, disaster, or other emergency, as determined by the City in its reasonable discretion, cut or move any parts of the wireless communication system and appurtenances located on, over, or under the right-of-way of the City, in which event the City shall not be liable therefor to a provider. The City shall notify a provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this Section. Notice shall be given as provided in Section 5-27-74 (Notices).

(3) Temporarily Move System for Third Party. A provider shall, upon prior reasonable written notice by the City or by any person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its wireless communication system to allow the moving of the structure. A provider may impose a reasonable charge on any person other than the City for any such movement of its systems.

(Ord. 2018-16, 12-19-2018)

5-27-51. Protect structures.

(1) In connection with the construction, maintenance, repair, upgrade, or removal of the

wireless communication system, a provider shall, at its own cost and expense, protect any and all existing structures.

(2) A provider shall obtain the prior written consent of the City to alter any water main, power facility, sewerage or drainage system, or any other municipal structure or facility located on, over, or under the right-of-way of the City required because of the presence of the system. Such consent may be given at the sole discretion of the City. Any such alteration shall be made by the City or its designee on a reimbursable basis.

(3) A provider agrees that it shall be liable for the costs incurred by the City to replace or repair and restore to its prior condition in a manner as may be reasonably specified by the City any municipal structure or any other right-of-way of the City involved in the construction, maintenance, repair, upgrade, or removal of the system that may become disturbed or damaged as a result of any work thereon by or on behalf of a provider pursuant to the wireless franchise.
(Ord. 2018-16, 12-19-2018)

5-27-52. No obstruction.

In connection with the construction, maintenance, upgrade, repair, or removal of the system, a provider shall not unreasonably obstruct the right-of-way of fixed guide way systems, railways, passenger travel, or other traffic to, from, or within the City without the prior consent of the appropriate authorities.
(Ord. 2018-16, 12-19-2018)

5-27-53. Safety precautions.

A provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel, suitable and sufficient lighting, and other requirements prescribed by OSHA and Utah OSHA. A provider shall comply with all applicable federal, state, and local requirements including the National Electric Safety Code, as amended or superseded.
(Ord. 2018-16, 12-19-2018)

5-27-54. Damage and Repair.

(1) If a provider's activity causes damage to a right-of-way, the provider must repair the right-of-way to substantially the same condition as before the damage.

(2) If the provider fails to make a repair required by the City within a reasonable time after written notice, the City may make the required repair and charge the provider the reasonable, documented, actual cost for the repair.

(3) If the provider's damage causes an urgent safety hazard, the City may immediately make the necessary repair and charge the provider the reasonable, documented, actual cost for the repair.

(4) The provider shall pay to the City the entire amount of the repair within 30 days of receiving of the City's invoice.
(Ord. 2018-16, 12-19-2018)

Article VIII. Provider Responsibilities.

5-27-55. System maintenance.

A provider shall do the following.

(1) Install and maintain all parts of its wireless communication system in a non-dangerous condition throughout the entire period of its wireless franchise.

(2) Install and maintain its system in accordance with standard prudent engineering practices and comply with all applicable codes and standards.

(3) At all reasonable times, permit examination by any duly authorized representative of the City of the system and its effect on the right-of-way.
(Ord. 2018-16, 12-19-2018)

5-27-56. Trimming of trees.

A provider shall have the authority to prune and trim trees, in accordance with all applicable utility restrictions, ordinances, and easement restrictions, upon and hanging over the rights-of-way so as to prevent the branches of such trees from coming in contact with its WCFs. A provider must provide the City with written notice at least 14 days before performing any pruning or trimming of trees. All pruning and trimming performed shall comply with the City Code, the American National Standard for Tree Care Operation (ANSI A300), and Best Management Practices: Utility Pruning of Trees, and be conducted under the direction of an arborist certified with the International Society of Arboriculture.
(Ord. 2018-16, 12-19-2018)

5-27-57. Inventory of existing sites.

A provider shall provide every July 1st to the City an inventory of its existing WCFs, and sites approved for WCFs, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each WCF and utility pole. The City may share such information with other applicants applying for permits under this Chapter or other organizations seeking to locate antennas within the jurisdiction of the City; provided, however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
(Ord. 2018-16, 12-19-2018)

Article IX. Wireless Franchise and License Transferability.

5-27-58. Notification of sale.

(1) PSC Approval. When a provider or wireless communication system is the subject of a sale, transfer, lease, assignment, sublease, or disposal of, in whole or in part, either by forced or involuntary sale or by ordinary sale, consolidation, or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the provider or its successor entity shall promptly notify the City of the nature of the transaction and, if applicable, request a transfer of the wireless franchise to the successor entity. A request for transfer shall include a certification that the successor entity unequivocally agrees to all the terms of the original provider's wireless franchise agreement.

(2) Transfer of Wireless Franchise. Upon receipt of a request to transfer a wireless franchise, the City designee shall, if it approves such transfer, send notice affirming the transfer of the wireless franchise to the successor entity. If the City has good cause to believe that the successor entity may not comply with this Chapter or the wireless franchise agreement, it may require an application for the transfer. The application shall comply with Article V of this Chapter.

(3) If PSC Approval Is No Longer Required. If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in this Section, and the City has good cause to believe that the successor entity may not comply with this Chapter or the wireless franchise agreement, it may require an application to transfer. The application shall comply with Article V of this Chapter.

(Ord. 2018-16, 12-19-2018)

5-27-59. Events of sale.

The following events shall be deemed to be a sale, assignment, or other transfer of the wireless franchise requiring City approval.

(1) The sale, assignment, or other transfer of all or a majority of a provider's assets to another person.

(2) The sale, assignment, or other transfer of capital stock or partnership, membership, or other equity interests in a provider by one or more of its existing shareholders, partners, members, or other equity owners so as to create a new controlling interest in a provider.

(3) The issuance of additional capital stock or partnership, membership, or other equity interest by a provider so as to create a new controlling interest in such a provider.

(4) The entry by a provider into an agreement with respect to the management or operation of such provider or its system.

(Ord. 2018-16, 12-19-2018)

Article X. Oversight and Regulation.

5-27-60. Insurance, indemnity, and security.

(1) A provider will deposit with the City an irrevocable, unconditional letter of credit or surety bond as required by the terms of the wireless franchise and shall obtain and provide proof of the insurance coverage required by the wireless franchise. A provider shall also indemnify the City as set forth in the wireless franchise.

(2) Each permit issued for a WCF or utility pole located within the right-of-way or on City property shall be deemed to have as a condition of the permit a requirement that the applicant defend, indemnify, and hold harmless the City and its officials, officers, agents, employees, volunteers, and contractors from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, a granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF or utility pole.

(Ord. 2018-16, 12-19-2018)

5-27-61. Oversight.

The City shall have the right to oversee, regulate, and inspect periodically the construction, maintenance, and upgrade of the wireless communication system, and any part thereof, in accordance with the provisions of the wireless franchise and applicable law. A provider shall establish and maintain managerial and operational records, standards, procedures, and controls to enable a provider to prove, in reasonable detail, to the satisfaction of the City at all times throughout the term, that a provider is in compliance with the wireless franchise. A provider shall retain such records for not less than the applicable statute of limitations.

(Ord. 2018-16, 12-19-2018)

5-27-62. Maintain records.

A provider shall at all times maintain the following.

(1) On file with the City, a full and complete set of plans, records, and "as-built" hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the City's existing GIS system, of all existing and proposed installations and the types of equipment and systems installed or constructed in the rights-of-way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all rights-of-way where work will be undertaken. As used herein, "as-built" maps includes "file construction prints." Maps shall be drawn to scale. "As-built" maps, including the compatible electronic format, shall be submitted within 30 days of completion of work or within 30 days after completion

of modification and repairs. "As-built" maps are not required of a provider who is an incumbent local exchange carrier for the existing system to the extent they do not exist.

(2) Throughout the term of the wireless franchise, a provider shall maintain complete and accurate books of account and records of the business, ownership, and operations of a provider with respect to the system in a manner that allows the City at all times to determine whether a provider is in compliance with the wireless franchise. Should the City reasonably determine that the records are not being maintained in such a manner, a provider shall alter the manner in which the books and/or records are maintained so that a provider comes into compliance with this Section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the state of Utah, and generally accepted accounting principles, shall be deemed to be acceptable under this Section.
(Ord. 2018-16, 12-19-2018)

5-27-63. Confidentiality.

If the information required to be submitted is proprietary in nature or may be kept confidential under federal, state, or local law, the provider may make such a request in accordance with the Utah Government Records Access and Management Act, Title 63G Chapter 2 of the Utah Code Ann., as amended ("GRAMA"). A provider recognizes that the City, as a governmental entity under GRAMA, cannot guarantee the confidentiality of any information in the City's possession, and the provider submits such information at its own risk.
(Ord. 2018-16, 12-19-2018)

5-27-64. Provider's expense.

All reports and records required under this Chapter shall be furnished at the sole expense of a provider, except as otherwise provided in this Chapter or a wireless franchise.
(Ord. 2018-16, 12-19-2018)

5-27-65. Right of inspection.

For the purpose of verifying the correct amount of the wireless franchise fee, the books and records of the provider pertaining thereto shall be open to inspection or audit by duly authorized representatives or agents of the City at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records; provided, however, that the City shall not audit the books and records of the provider more often than annually. The provider agrees to reimburse the City the reasonable costs of an audit if the audit discloses that the provider has paid 95% or less of the compensation due to the City for the period of such audit. In the event the accounting rendered to the City by the provider herein is found to be incorrect, then payment shall be made on the corrected amount within 30 calendar days of written notice, it being agreed that the City may accept any amount offered by the provider, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.
(Ord. 2018-16, 12-19-2018)

Article XI. Rights of City.

5-27-66. Enforcement and remedies.

(1) The City is responsible for enforcing and administering this Chapter, and the City or its designee, as appointed by the Mayor, is authorized to give any notice required by law or under any wireless franchise agreement.

(2) In the event that an individual or entity violates this Chapter, the City will notify the violating party of the violation and provide 30 days for the party to cure the violation.

(3) If the violation is not cured within 30 days, the City may:

(a) fine the violating party $500 per day until the violation is cured; and,

(b) terminate or suspend any franchises, permits, or licenses held by the violating party.

(4) If the violation is not cured within 180 days of the City's notice, the City may remove and impound the violating party's equipment until the violation has been cured. In no event shall the City be required to keep any equipment in impound for longer than 180 days, and the City may dispose of any impounded equipment after 180 days without penalty.

(5) The violating entity may appeal the City's notice of violation within 10 days in accordance with Chapter 1-28.
(Ord. 2018-16, 12-19-2018)

5-27-67. Force majeure.

In the event a provider's performance of any of the terms, conditions, or obligations required by this Chapter or a wireless franchise is prevented by a cause or event not within a provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this Section, causes or events not within the control of a provider shall include acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.
(Ord. 2018-16, 12-19-2018)

5-27-68. Extended operation and continuity of services.

(1) Continuation after Expiration. Upon either expiration or revocation of a wireless franchise granted pursuant to this Chapter, the City shall have the discretion to permit or require a provider to continue to operate its system or provide services for

an extended period of time not to exceed 6 months from the date of such expiration or revocation. A provider shall continue to operate its system under the terms and conditions of this Chapter and the wireless franchise granted pursuant to this Chapter.

(2) Continuation by Incumbent Local Exchange Carrier. If the provider is the incumbent local exchange carrier, it shall be permitted to continue to operate its system and provide services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.
(Ord. 2018-16, 12-19-2018)

5-27-69. Removal or abandonment of WCF.

(1) Abandoned WCF. In the event that (a) the use of any portion of a WCF is discontinued for a continuous period of 12 months, and 30 days after no response to written notice from the City to the last known address of provider, or (b) any WCF has been installed in the rights-of-way without complying with the requirements of this Chapter, or (c) no franchise is granted, a provider shall be deemed to have abandoned such WCF.

(2) Removal of abandoned WCF. The City, upon such terms as it may impose, may give a provider written permission to abandon, without removing, any WCF, or portion thereof, directly constructed, operated or maintained under a franchise. Unless such permission is granted or unless otherwise provided in this Chapter, a provider shall remove within a reasonable time the abandoned WCF and shall restore, using prudent construction standards, any affected rights-of-way to their former state at the time the WCF was installed, so as not to impair their usefulness. In removing its WCF, a provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all rights-of-way in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles, or attachments. The City shall have the right to inspect and approve the condition of the rights-of-way cables, wires, attachments, and poles prior to and after removal. The liability, indemnity, and insurance provisions of this Chapter and of the franchise, and any security fund provided in a franchise, shall continue in full force and effect during the period of removal and until full compliance by a provider with the terms and conditions of this Section.

(3) Transfer of abandoned WCF to City. Upon abandonment of any WCF in place, a provider, if required by the City, shall submit to the City a written instrument, satisfactory in form to the City, transferring to the City the ownership of the abandoned WCF.

(4) Removal of above-ground system. At the expiration of the term for which a franchise is granted, or upon its revocation or earlier expiration, as provided for by this Chapter, in any such case without renewal, extension or transfer, the City shall have the right to require a provider to remove, at its expense, all above-ground portions of a WCF from the rights-of-way, including poles, within a reasonable period of time, which shall not be less than 180 days.

(5) Leaving underground facilities. Notwithstanding anything to the contrary set forth in this Chapter, a provider may abandon any underground facilities in place so long as they do not materially interfere with the use of the rights-of-way or with the use thereof by any public utility, cable operator, or other person.
(Ord. 2018-16, 12-19-2018)

Article XII. Obligation to Notify.

5-27-70. Publicizing work.

Before entering onto any private property, a provider shall make a good faith attempt to contact the property owners in advance and describe the work to be performed.
(Ord. 2018-16, 12-19-2018)

Article XIII. General Provisions

5-27-71. Conflicts.

In the event of a conflict between any provision of this Chapter and a wireless franchise entered pursuant to it, the provisions of this Chapter shall control.
(Ord. 2018-16, 12-19-2018)

5-27-72. Severability.

If any provision of this Chapter is held by any federal, state, or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the Chapter provisions in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this Chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended, or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with such law, the provision in question shall return to full force and effect and shall again be binding on the City and the provider; provided, however, that the City shall give the provider 30 days, or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.
(Ord. 2018-16, 12-19-2018)

5-27-73. New developments.

It shall be the policy of the City to consider amendments to this Chapter, upon application of a provider, when necessary to enable the provider to take advantage of any developments in the field of

personal wireless services which will afford the provider an opportunity to more effectively, efficiently, or economically serve itself or the public, subject to the purposes of this Chapter.
(Ord. 2018-16, 12-19-2018)

5-27-74. Notices.

All notices from a provider to the City required under this Chapter or pursuant to a wireless franchise granted pursuant to this Chapter shall be directed to the personnel designated by the Community Development Director. A provider shall provide in any application for a wireless franchise the identity, address, and phone number to receive notices from the City. A provider shall immediately notify the City of any change in its name, address, or telephone number.
(Ord. 2018-16, 12-19-2018)

5-27-75. Exercise of police power.

To the full extent permitted by applicable law either now or in the future, the City reserves the right to amend this Chapter and/or to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers and its power to manage the public rights-of-way.
(Ord. 2018-16, 12-19-2018)

Article XIV. Federal, State, and City Jurisdiction.

5-27-76. Construction.

This Chapter shall be construed in a manner consistent with all applicable federal and state statutes.
(Ord. 2018-16, 12-19-2018)

5-27-77. Chapter applicability.

This Chapter shall apply to all wireless franchises granted or renewed after the effective date of the ordinance codified in this Chapter. This Chapter shall further apply, to the extent permitted by applicable federal or state law, to all existing wireless franchises granted prior to the effective date of the ordinance codified in this Chapter and to a provider providing services, without a wireless franchise, prior to the effective date of this Chapter.
(Ord. 2018-16, 12-19-2018)

5-27-78. Other applicable ordinances.

A provider's rights are subject to the police powers of the City, as a Charter city and as a Utah political subdivision, to adopt and enforce ordinances necessary for the health, safety, and welfare of the public. A provider shall comply with all applicable general laws and ordinances enacted by the City pursuant to its police powers. In particular, all providers shall comply with the City's zoning and other land use ordinances and requirements.
(Ord. 2018-16, 12-19-2018)

5-27-79. City failure to enforce.

A provider shall not be relieved of its obligation to comply with any of the provisions of this Chapter or any wireless franchise granted pursuant to this Chapter by reason of any failure of the City to enforce prompt and full compliance.
(Ord. 2018-16, 12-19-2018)

5-27-80. Construed according to Utah law.

This Chapter and any wireless franchise granted pursuant to this Chapter shall be construed and enforced in accordance with the substantive laws of the state of Utah. Specifically, in the event of any conflict between this Chapter with the Small Wireless Facilities Deployment Act, Title 54 Chapter 21 of the Utah Code Ann., as amended, the Small Wireless Facilities Deployment Act shall control.
(Ord. 2018-16, 12-19-2018)

TITLE 6. ANIMAL CONTROL

Chapter 1. Animal Control Division; Powers and Authority.
Chapter 2. Definitions.
Chapter 3. Licensing.
Chapter 4. Animals at Large.
Chapter 5. Nuisance Animals.
Chapter 5a. Repealed. (Ord. 2003-28, 12-17-2003)
Chapter 5b. Aggressive Animals.
Chapter 6. Rabies Control.
Chapter 7. Impounding.
Chapter 8. Animal Shelter.
Chapter 9. Cruelty to Animals.
Chapter 10. Wild Animals.
Chapter 11. Regulatory Permits; Kennels. (Ord. 2017-07, 03-15-2017)
Chapter 12. Repealed. (Ord. 88-28; 09-07-1988)
Chapter 13. Repealed. (Ord. 88-28; 09-07-1988)
Chapter 14. Repealed. (Ord. 96-02; 02-07-1996)

CHAPTER 1. ANIMAL CONTROL DIVISION; POWERS AND AUTHORITY

6-1-1. Division of Animal Control.
6-1-2. Powers of Division personnel.
6-1-3. Duties of Division personnel.
6-1-4. Interference with officer prohibited.

6-1-1. Division of Animal Control.

There shall be a Division of Animal Control as a Division within the Tooele City Police Department.
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

6-1-2. Powers of Division personnel.

(1) The Division commander and all Division and Department officers shall take the oath of office and shall be vested with the power and authority to enforce the provisions of this Title.

(2) Division and Department officers are hereby authorized and empowered to apprehend, transport, and impound domesticated dogs and cats found in violation of this Title, or any animal involved in a violation of State of Utah law, including licensable dogs and cats for which no license has been procured in accordance with this Title, and any licensed or unlicensed dogs or cats for any other violations of this Title.

(3) Division and Department officers shall have the power to enter into any building or upon any property within the city when they have probable cause to believe that there exits in any building and/or upon any property any violation of the provisions of this Title or other applicable law, provided that:

(a) If such building and/or property is presently occupied, enforcement personnel shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and if such building and/or property is unoccupied, enforcement personnel shall first make a reasonable effort to locate the owner thereof or other persons having authority over the building and/or property and request entry, explaining the reasons therefor. If entry into said building or upon said property be refused or the owner of the property or building cannot be located, an officer shall obtain a warrant for the entry and inspection of said building and/or said property.

(b) Notwithstanding the provisions of Subsection (a), if an officer has probable cause to believe that a violation of this Title has occurred and that exigent circumstances exist such that it reasonably appears that a person or animal may be in peril of death or bodily injury, the officer shall have the power to immediately enter and inspect such building and/or property and may use any reasonable means required to effect such entry and make such inspection, whether such building and/or property is occupied or unoccupied, and whether or not permission to inspect has been obtained. If the building and/or property is occupied, the officer shall present proper credentials to the occupant and explain the reasons for the entry. Additionally, the provisions of Subsection (a) shall not prohibit the an officer from entering upon unenclosed private property while pursuing an animal in violation of this Title.
(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

6-1-3. Duties of Division personnel.

(1) The Division commander will:

(a) Enforce this Title and perform other responsibilities pursuant thereto.

(b) Supervise Division personnel.

(c) Keep adequate records of all animals impounded.

(2) Each officer shall:

(a) Enforce this Title in all respects pertaining to animal control within Tooele City, including the impounding of animals, and prevention and prosecution of cruelty to animals.

(b) Carry out all duties prescribed or delegated by the commander.
(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

6-1-4. Interference with officer prohibited.

Any person who intentionally or recklessly interferes with any officer in the lawful discharge of the officer's duties as set forth in Title 6 shall be guilty of a class B misdemeanor.
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-03) (Ord. 1981-14, 05-25-1981)

CHAPTER 2. DEFINITIONS
6-2-1. Definitions.

6-2-1. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Title, shall have the meanings hereinafter designated:

"Animal" means any live, non-human vertebrate creature, whether wild or domesticated. In the context of provisions regarding dogs and cats, “animal” refers specifically to dogs and cats.

"Animal boarding establishment" means any establishment that takes in animals for boarding for profit.

"Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services to animals for profit.

"Animal shelter" and “shelter” means a public or private facility owned or operated by a governmental entity, by an established animal welfare society, or by a veterinarian and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs and cats.

"Animal at large" means any farm animal or domesticated dog, whether or not licensed, not under restraint.

"Animal under restraint" means any dog under the control of a person, except that a dog shall not be considered under restraint unless on a leash or lead, within a secure enclosure, or otherwise securely confined.

"Attack" or "attacking" means any menacing action by an animal which places a person or another animal in danger of imminent physical pain or impairment of physical condition. Actual physical contact shall not be required to constitute an attack. Attacking shall include biting, attempting to bite, chasing, tackling, nipping, or otherwise threatening.

"Bite" or "biting" means an animal’s use of teeth upon a person or animal whether or not an injury actually results.

"Cat" means any feline of the domesticated types over four months of age. Any feline under four months of age is a kitten.

"Cattery" means a location where a person engages in boarding, breeding, buying, grooming, sheltering, or selling cats.

“Community cat” See Utah Code 11-46-302, as amended.

“Community cat caretaker” See Utah Code 11-46-302, as amended.

“Community cat colony” See Utah Code 11-46-302, as amended.

“Community cat program” See Utah Code 11-46-302, as amended.

“Commander” means the supervisor of the Division of Animal Control.

“Department” means the Tooele City Police Department.

“Division” means the Division of Animal Control, a division of the Tooele City Police Department.

"Dog" means any canis familiaris over four months of age. Any canis familiaris under four months of age is a puppy.

"Domesticated animal" means an animal accustomed to living in or about the habitation of humans and other animals, including cats, dogs, ferrets, and farm animals.

“Ear-tipping” See Utah Code 11-46-302, as amended.

“Farm animal” See TCC 7-1-5.

“Feral” See Utah Code 11-46-302, as amended.

"Guard dog" means a working dog which is kept under strict control such that it cannot come into direct contact with the public, including in a fenced run or other secure enclosure, or on a leash or lead, and located on a business premises as part of the business premises security.

"Harbor" means keeping, feeding, maintaining, sheltering, exercising ownership of, or caring for an animal.

"Holding facility" means any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, shelter, or any other such facility used for keeping animals.

"Impoundment" means the taking of an animal into the custody of the Shelter, Division, or Department.

"Kennel" means a location where a person engages in boarding, breeding, buying, letting for hire, training for a fee, or selling dogs.

"Leash or lead" means any chain, rope, or other similar device used to restrain an animal.

“Officer” means an Animal Control Division officer and a Department peace officer.

"Person" means an individual and any legal entity, including a corporation, firm, partnership, or trust.

"Pet" means a domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with the human environment. Pet does not include wild animals, exotic animals, farm animals ,or livestock unless expressly included under other provisions of this Code.

"Pet shop" means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets are kept or displayed for sale.

"Provoked," “provoking,” or "provocation" means any act by a person towards a dog or any other animal done recklessly, knowingly, or intentionally, to tease, torment, abuse, assault, or otherwise cause a reaction by the dog or other animal, provided however, that any act by a person done with the intention to discourage or prevent a dog or other animal from attacking or biting shall not be considered to be a provocation.

"Quarantine" means the isolation of an animal in a secure enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

"Riding school” and “stable" mean an establishment which provides boarding or riding instruction for any horse, pony, donkey, mule, or burro, or which offers such animals for hire.

“Service animal” means an animal defined as a service animal by the U.S. Department of Justice, and includes a dog that is individually trained and certified to do work or perform tasks for a person with a disability.

“Sponsor of a community cat colony” See Utah Code 11-46-302, as amended.

"Stray" means any animal at large.

“Supervisor” means an animal shelter manager or officer manager, under the supervision of the commander.

"Wild animal,” and “exotic animal" mean any animal which is not commonly domesticated, or which is of a predatory nature that would constitute an unreasonable danger to human life, health, or property if not kept or confined in a safe and secure manner, including those animals which, as a result of their natural condition, cannot be vaccinated effectively for rabies. Those animals, however domesticated, shall include the following:

(a) Alligators and crocodiles.

(b) Bears (ursidae).

(c) Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, and wildcats.

(d) Dog family (canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, and part coyote.

(e) Porcupine (erethizontidae).

(f) Primate (hominiddae). All subhuman primates, including apes, gorillas, monkeys, and lemurs.

(g) Raccoon (prosynnidae). All raccoons including eastern raccoon, desert raccoon and ring-tailed cat.

(h) Skunks, except skunks that are de-scented and neutered or spayed.

(i) Venomous fish and piranha.

(j) Venomous snakes and lizards.

(k) Weasels (mustelidae). All weasels, including martens, wolverines, badgers, otters, ermine, mink, or mongoose.

(Ord. 2025-16, 05-21-2025) (Ord. 2023-32, 08-03-2023) (Ord. 2020-07, 03-04-2020) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2006-19, 08-16-2006) (Ord. 2003-28, 12-17-2003) (Ord. 1988-28, 09-07-1988)

CHAPTER 3. LICENSING

6-3-1. Dog and cat licensing requirements.
6-3-2. License tag.
6-3-3. Licensing exemptions.
6-3-4. Penalties.

6-3-1. Dog and cat licensing requirements.

(1) All dogs and cats within Tooele City must be licensed each year, except as otherwise provided herein.

(2) Any person owning, possessing, or harboring any dog or cat shall obtain a license for such animal within 30 days after the dog or cat reaches the age of four months; or, in the case of a dog or cat over the age of four months, within 10 days of the acquisition of the dog or cat.

(3) License renewal applications must be submitted annually to the Finance Department, utilizing a standard form which includes the name, address, and telephone number of the applicant; the name, breed, sex, color, and age of the animal; and full rabies immunization information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate.

(4) Dog and cat license fees shall be as contained in the Tooele City Fee Schedule.

(5) No dog or cat will be licensed as spayed or neutered without proof that the animal has been sterilized.

(6) The license shall be effective from the date of purchase through December 31 of the license year. A late fee shall be imposed upon licenses renewed after February 28. Licenses for the following year may be purchased as early as October 1.

(7) No person or persons may own or harbor at any one residence within Tooele City any combination of dogs and cats that exceeds a total of 4 animals.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003, 12-17-2003) (Ord. 1994-55, 12-08-1994) (Ord. 1994-17, 03-15-1994) (Ord. 1988-28, 09-07-1988)

6-3-2. License tag.

(1) Upon payment of the license fee, the Finance Department shall issue to the owner a certificate and a tag for each dog and cat licensed. The tag shall have stamped thereon the license number corresponding with the tag number of the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be a violation of this Chapter.

(2) License tags are not transferable from one animal to another. No refunds will be made on any license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of the required fee.

(3) Removing or causing to be removed, the collar, harness, or tag from any licensed dog or cat without the consent of the owner or keeper thereof, except a licensed veterinarian, Shelter personnel, or a Division officer, shall be a violation of this Chapter.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-3-3. Licensing - exemptions.

(1) The licensing and fee provisions of Section 6-3-1 and 6-3-2 herein shall not apply to:

(a) individual dogs and cats within a properly licensed dog kennel, cattery, or other such establishment when such dogs or cats are held for resale.

(b) community cats that belong to a community cat colony as defined by Utah Code 11-46-302, as amended.

(2) The fee provisions of Sections 6-3-1 and 6-3-2 shall not apply to dogs especially trained and used to assist officers and other officials of government agencies in the performance of their official duties.

(3) Nothing in this Section shall be construed so as to exempt any dog or cat from having a current rabies vaccination.

(Ord. 2024-16, 06-05-2024) (Ord. 2020-07, 03-04-2020) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12- 17-2003) (Ord. 1981-14, 05-25-1981)

6-3-4. Penalties.

Every person who violates any provision of this Chapter is guilty of an Infraction.

(Ord. 2020-33, 08-19-2020) (Ord. 2003-28, 12-17-2003)

CHAPTER 4. ANIMALS AT LARGE

6-4-1. Unlawful to harbor stray animals.
6-4-2. Animals running at large.
6-4-3. Animals on unenclosed premises.
6-4-4. Female animals in heat.
6-4-5. Places prohibited to animals.
6-4-6. Penalties.

6-4-1. Unlawful to harbor stray animals.

It is unlawful for any person to harbor any lost or strayed animal without attempting to find the owner. It shall be the duty of the finder to notify the Shelter within 24 hours if an owner is not found. Community cats are exempt. The Shelter may impound the animal as herein provided.
(Ord. 2025-16, 05-21-2025) (Ord. 2023-32, 08-03-2023) (Ord. 2020-07, 03-04-2020) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-4-2. Animals running at large.

It is unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal to run at large at any time. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this Section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not such person knows the animal is running at large.
(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 1990-16, 09-11-1990)

6-4-3. Animals on unenclosed premises.

It is unlawful for any person to chain, stake out, or tether an animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owners of all affected adjacent properties, and provided that the animal shall not be permitted to go beyond the property line into the public right-of-way, including onto the public sidewalks.
(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 1981-25, 05-21-1981)

6-4-4. Female animals in heat.

It shall be unlawful for any owner or person having charge, care, custody, or control of any female animal in heat, in addition to restraining such animal from running at large, to fail to cause such animal to be constantly confined in a building or secure enclosure, except for planned breeding purposes.
(Ord. 2017-07, 03-15-2017) (Ord. 1981-14, 05-25-1981)

6-4-5. Places prohibited to animals.

(1) It is unlawful for any person to take or permit any animal, whether loose or on a leash or in the arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores.

(2) It is unlawful for any person keeping, harboring, or having charge, care, custody, or control of any animal to allow the animal to be within Zone 1 of any designated groundwater source protection area (within a 100-foot radius of a wellhead or spring collection area).

(3) This Section shall apply to community cat colonies.

(4) This Section shall not apply to service animals, as defined.
(Ord. 2023-32, 08-03-2023) (Ord. 2020-07, 03-04-2020) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-4-6. Penalties.

Every person who violates any provision of this Chapter is guilty of an Infraction.
(Ord. 2023-32, 08-03-2023) (Ord. 2020-33, 08-27-2020) (Ord. 2003-28, 12-17-2003)

CHAPTER 5. NUISANCE ANIMALS

6-5-1. Repealed. (Ord. 1996-03, 02-07-1996)
6-5-2. Repealed. (Ord. 1996-03, 02-07-1996)
6-5-3. Nuisance animals.
6-5-4. Repealed. (Ord. 2003-28, 12-17-2003)
6-5-5. Repeated offenses.
6-5-6. Penalties.

6-5-1. Repealed.
(Ord. 1996-03, 02-07-1996)

6-5-2. Repealed.
(Ord. 1996-03, 02-07-1996)

6-5-3. Nuisance animals.

Any owner or person having charge, care, custody, or control of an animal or animals causing a nuisance as defined below shall be in violation of this Chapter and subject to the penalties provided herein. The following shall be deemed a nuisance:

(1) Any animal which:

(a) causes damage to the property of anyone other than its owner;

(b) causes unreasonable fouling of the air by odors;

(c) causes unsanitary conditions in its enclosures or surroundings;

(d) creates a breeding place for flies or other insects;

(e) defecates on any public sidewalk, park strip, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, harboring, or having care, charge, custody, or control of such animal shall bag and remove immediately such defecation to a proper trash receptacle;

(f) barks, whines, howls, or makes other noises in an excessive, continuous, disturbing, or untimely fashion;

(g) unreasonably disturbs passersby or chases passing vehicles;

(h) is in violation of Chapter 5-6b (Aggressive Animals);

(i) engages in actions during any 12-month period resulting in 3 or more criminal convictions.

(2) Any animals which, by virtue of the number maintained, are determined by an officer or the Tooele County Health Department to be offensive or dangerous to the public health, welfare, and safety.

(Ord. 2020-33, 08-27-2020) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1996-03, 02-07-1996)

6-5-4. Repealed.
(Ord. 2003-28, 12-17-2003)

6-5-5. Repeated offenses.

(1) A dog or cat owner shall forfeit to the City all dogs and cats that, individually or collectively, gave rise to violations of Title 6 for which convictions entered on 3 or more separate occasions during a 12-month period against persons owning, harboring, or having charge, care, custody, or control of those dogs or cats. Upon the third conviction, the City Attorney's Office may petition a court of competent jurisdiction to compel forfeiture. After the court enters the appropriate order, the Division shall impound all dogs and cats that gave rise to the convictions. Any dog or cat impounded pursuant to this Section shall be dealt with in accordance with the provisions of this Title for impounded animals, except that the owner or the owner's agent shall not be allowed to redeem the impounded animal or animals under any circumstances.

(2) An owner of a nuisance-causing animal other than a dog or a cat shall eliminate the nuisance. Upon the third nuisance conviction and/or abatement, the City Attorney's Office may petition a court of competent jurisdiction to compel permanent removal of the animal from the Tooele City corporate limits.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003) (Ord. 1996-03, 02-07-1996) (Ord. 1981-14, 05-25-1981)

6-5-6. Penalties.

(1) Every person who violates any provision of Section 6-5-3 is guilty of a class C misdemeanor.

(2) Each and every day that a violation of Section 6-5-3 continues shall constitute a separate offense. (Ord. 2017-07, 03-15-2017) (Ord. 2003, 12-17-2003) (Ord. 1996-03, 02-07-1996)

CHAPTER 5a. Repealed. (Ord. 2003-28, 12-17-2003)

CHAPTER 5b. AGGRESSIVE ANIMALS.

6-5b-1. Attacking animals.
6-5b-2. Animal bite of a human being.
6-5b-3. Animal bite of another domestic animal.
6-5b-4. Affirmative defenses.
6-5b-5. Impoundment – biting dogs and cats.
6-5b-6. Potentially dangerous and dangerous dogs and cats- application for hearing.
6-5b-7. Hearing procedures with the Division.
6-5b-8. Appeal.
6-5b-9. Penalties.
6-5b-10. Law enforcement animals.
6-5b-11. Authority to capture.
6-5b-12. Owner Responsibility.

6-5b-1. Attacking animals.

(1) Subject to the affirmative defenses of Section 6-5b-4, any person owning or having charge, care, custody, or control of any animal is guilty of a class C misdemeanor if the animal approaches, chases, worries, threatens, or attacks:

(a) any person in a manner that causes the person to fear for their life, health, or safety; or

(b) any domestic animal, livestock, or protected wildlife, resulting in injury or death.

(2) This is a strict liability offense.

(Ord. 2025-02, 01-15-2025)
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003)

6-5b-2. Animal bite of a human being.

Subject to the affirmative defenses of Section 6-5b-4, any person owning or having charge, care, custody, or control of an animal that bites any human being upon public or private property, whether or not the bite breaks the skin, is guilty of a class B misdemeanor. This is a strict liability offense.
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003)

6-5b-3. Animal bite of another domestic animal.

Subject to the affirmative defenses of Section 6-5b-4, any person owning or having charge, care, custody, or control of an animal that bites another domestic animal upon public or private property is guilty of a class C misdemeanor. This is a strict liability offense.
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003)

6-5b-4. Affirmative defenses.

The following are affirmative defenses to prosecution under Sections 6-5b-1, 6-5b-2, and 6-5b-3:

(1) The victim was tormenting, abusing, or assaulting the animal or has, in the recent past, tormented, abused, or assaulted the animal.

(2) The victim was committing or attempting to commit a crime.

(3) The victim was trespassing on private property owned, leased, or rented by the person keeping the animal.

(4) The animal was on a substantial leash or lead, or within fenced private property owned, leased, or rented by the person keeping the animal, and the animal was responding to attack or to intrusion upon the property by another animal.
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003)

6-5b-5. Impoundment – biting dogs and cats.

(1) The Division shall immediately impound, or otherwise deliver for quarantine, any dog or cat where the Division has reason to believe the animal has bitten a human being or domesticated animal without provocation.

(2) After 10 days and subject to the terms of Section 6-6-7, the shelter shall return the impounded animal to the animal's owner or custodian upon payment of the applicable fees unless a complaint pursuant to Section 6-5b-6 has been filed. If a complaint has been filed, the shelter shall retain the animal until proceedings are complete and a final determination has been made whether the animal is dangerous or potentially dangerous. If the animal is ultimately declared dangerous or potentially dangerous, the animal's owner or custodian shall be responsible for all expenses of the impoundment.

(3) In lieu of impoundment, the Division may allow the animal to be confined at the owner's or custodian's expense in a City approved kennel or veterinary facility within the city. The owner or custodian shall not remove the animal from the kennel or veterinary facility without the prior written approval of the Shelter supervisor or authorized representative.

(4) Any person who owns or possesses the animal to be impounded and who refuses to surrender the animal upon demand of the Division is guilty of a class B misdemeanor.
(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

6-5b-6. Potentially dangerous and dangerous dogs and cats - application for hearing.

(1) Upon written application of the Division or any other person alleging that a dog or cat is or is not dangerous or potentially dangerous, the Department hearing examiner shall conduct a hearing to determine whether an animal is a potentially dangerous or dangerous animal. The application must be filed with the Department within 30 days of impoundment of the animal by the Division or other Division determination that the animal is dangerous or potentially dangerous. The application shall state the legal and factual grounds supporting the application. The hearing examiner will not conduct a hearing on an application that does not state the legal and factual grounds supporting the application. The hearing shall be conducted in accordance with the procedures provided by Section 6-5b-7.

(2) A dog or cat shall be declared potentially dangerous if, unprovoked, it:

(a) has violated Section 6-5b-1, 6-5b-2, or 6-5b-3, to a degree other than that specified under subparagraph (3); or,

(b) has a known propensity to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domesticated animals.

(3) A dog or cat shall be declared dangerous when the animal has done any of the following:

(a) killed a human being or inflicted injury on a human being that created or caused protracted physical pain, permanent disfigurement, or temporary or permanent impairment of any bodily member or organ;

(b) without provocation, killed a pet, livestock, farm animal, or other domesticated animal;

(c) bitten or endangered the safety of humans or domesticated animals after previously having been found to be potentially dangerous; or,

(d) done any of the acts listed in subparagraph (2) that would classify the animal as potentially dangerous, but after a hearing held pursuant to Section 6-5b-7, the hearing examiner reasonably believes that the animal poses an unreasonable risk of inflicting death or substantial bodily injury on a human being or domesticated animal.

(4) In making a determination whether a dog or cat is potentially dangerous or dangerous, the hearing examiner shall consider each of the following factors:

(a) any previous history of the animal attacking or biting a human being or domesticated animal;

(b) the nature and extent of injuries inflicted and the number and ages of victims involved;

(c) the location where the attack took place;

(d) the presence or absence of any provocation or other circumstance that would justify or explain the bite or attack;

(e) the extent to which property has been damaged or destroyed;

(f) whether the animal exhibits any characteristics of being trained for fighting or attacking, and any evidence to show such training;

(g) whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domesticated animals;

(h) whether the animal can be effectively trained or retrained to change its temperament or behavior;

(i) the manner in which the animal has been kept by its owner or custodian;

(j) the owner's or custodian's past and future ability and willingness to train and control the animal;

(k) any other relevant information or evidence regarding the ability of the owner or custodian, or the Division, to protect the public safety in the future if the animal is permitted to remain in the city.

(5) If the hearing examiner determines that the dog or cat is potentially dangerous, and if the owner or custodian is able and willing to properly train, handle, and maintain the animal, the hearing examiner may impose reasonable terms, conditions, and restrictions upon the owner's or custodian's continued possession of the animal and the training, handling, and maintenance of the animal to protect the public health, safety, and welfare.

(6) If the hearing examiner determines that the dog or cat is dangerous, the Division shall order the shelter supervisor to humanely destroy the animal.

(7) Unless otherwise precluded by order of a court of competent jurisdiction, the shelter supervisor shall authorize the destruction of the dog or cat 5 business days after a final determination either by the Chief of Police (or designee), or by the Administrative Hearing Officer under Chapter 1-28, that the animal is dangerous.

(8) Any dog or cat that is determined to be potentially dangerous by the hearing examiner shall be permanently identified as such by the Division by the use of photographs or permanent marking, or both, prior to the animal's release from impound or confinement.

(9) Any dog or cat that is determined to be potentially dangerous, or that is determined to not be dangerous or potentially dangerous, shall be presumed abandoned if the animal is not redeemed from impound within 5 business days of notice of the determination, and may thereafter be humanely destroyed, adopted, or otherwise disposed of.

(Ord. 2026-09, 04-15-2026) (Ord. 2025-02, 01-15-2025) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

6-5b-7. Hearing procedures with the Division.

(1) The Chief of Police shall appoint a hearing examiner who shall exercise all powers relating to the conduct of the hearing on the application.

(2) After receiving an application alleging that a dog or cat is dangerous or potentially dangerous, the Department shall give notice of the hearing to the applicant and to the owner or custodian of the animal. The notice shall include the following:

(a) the purpose and reason for holding the hearing;

(b) the requested remedy or penalty; and,

(c) the time and place where the hearing is to be held.

(3) At the hearing, the owner of the animal, the complainant or complainants, if any, and the Division shall be given an opportunity to present evidence and to call and cross-examine witnesses.

(4) The hearing examiner may continue the hearing from time to time upon good cause being shown.

(5) Hearings need not be conducted according to technical rules relating to evidence or witnesses. Any relevant evidence shall be admissible if it is the sort of evidence on which responsible persons are accustomed to rely in conduct of serious affairs, regardless of the existence of any common law or statutory rule to the contrary. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence, but generally will not be sufficient in itself to support a finding. Oral evidence shall be taken only on oath or affirmation. Other evidence may be admitted upon proffer.

(6) A recording or transcript of the hearing may be taken at the expense of the party desiring the record.

(7) The burden is on the Division or complainant to

show by a preponderance of the evidence that the animal should be declared dangerous or potentially dangerous.

(8) Unless otherwise granted additional time by the Chief of Police, the hearing examiner shall, within 10 days of the conclusion of any hearing, submit a written report to the Chief of Police containing a summary of the evidence and stating the hearing examiner's findings and recommendations. The report shall be a public record and shall be served upon the owner of the animal by certified mail. A failure by the hearing examiner to submit a timely report shall not constitute grounds to challenge, overrule, or otherwise annul the hearing examiner's recommendations or the Police Chief's subsequent decision.

(9) If the hearing examiner determines that the animal is potentially dangerous, the hearing examiner shall make recommendations in accordance with Sections 6-5b-6(5). Terms, conditions, or restrictions may include the following:

(a) selection of locations within the owner's property or premises where the animal must be kept;

(b) requirements as to size, construction, materials, and design of an enclosure where the animal must be kept;

(c) specialized training from a trainer or training program approved by the Division to correct any of the animal's behavioral problems;

(d) prohibiting the addition of any new animal at the premises;

(e) types and methods of restraint, or muzzling, or both;

(f) photo identification or permanent marking, or both, for purposes of identification;

(g) payment of an additional annual $50 license fee;

(h) procurement and maintenance of a $25,000 liability policy insuring against personal injuries that may be caused by the animal; and,

(i) revocation of the animal license or permit.

(10) The Chief of Police shall review the hearing examiner's findings and recommendations. The Chief of Police may adopt or reject the findings of the hearing examiner, or may adopt or modify the recommendations of the hearing examiner, or may return the matter to the hearing examiner requesting additional evidence, findings, and recommendations. The Police Chief's decision shall be finalized in writing and shall be served upon the owner of the animal in person or by certified mail. The Police Chief's decision shall be considered issued for purposes of appeal and enforcement on the date of mailing to the animal owner.

(Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

6-5b-8. Appeal.

Appeal of the decision of the Chief of Police shall be to the Administrative Hearing Officer. The appeal must be filed with the City Recorder within 10 days of the date of mailing of the Police Chief's decision to the animal owner, pursuant to the provisions of Chapter 1-28.

(Ord. 2017-07, 03-15-2017) (Ord. 2013-07, 04-17-2013) (Ord. 2012-20, 09-19-12); (Ord. 2003-28, 12-17-2003)

6-5b-9. Penalties.

(1) It shall be a class B misdemeanor for any person to own, possess, harbor, or keep any dog or cat:

(a) after a final decision declaring the animal dangerous; or,

(b) within the city limits in violation of any term, condition, or limitation imposed upon the owner's continued possession or control of the animal pursuant to a final decision rendered under the provisions of this Chapter.

(2) Each and every day that a violation of this Chapter continues shall constitute a separate offense.

(Ord. 2023-32, 08-02-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003)

6-5b-10. Law enforcement animals.

The provisions of this Title do not apply to dogs used by law enforcement officers while in the course of performing police work.

(Ord. 2003-28, 12-17-2003)

6-5b-11. Authority to capture.

Any person may capture, injure, or kill an animal when:

(1) the animal is attacking, chasing, or worrying, or biting:
   (a) a domestic animal having a commercial value;
   (b) a service animal; or
   (c) any species of protected animal; or

(2) the animal is attacking domestic fowls; or

(3) the animal is being pursued for committing an act described in Sections 6-5b-1, 6-5b-2, or 6-5b-3.

(Ord. 2025-02, 01-15-2025)

6-5b-12. Owner responsibility

Any animal owner who keeps an animal regulated by this Chapter is liable for any damage, injury, or death caused by the animal, consistent with Utah Code Title 18, as amended.

(Ord. 2025-02, 01-15-2025)

CHAPTER 6. RABIES CONTROL

6-6-1. Bites: duty to report.
6-6-2. Rabies vaccinations.
6-6-3. Rabies tag requirements.
6-6-4. Transient animal - exception.
6-6-5. Impoundment of animal without rabies vaccination tag.
6-6-6. Reporting of rabid animals.
6-6-7. Quarantining and disposition of biting or rabid animals.

6-6-1. Bites: duty to report.

(1) Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Department.

(2) The owner of an animal that bites a person, and any person bitten by an animal, shall report the bite to the Department or the Tooele County Health Department within 24 hours of the bite, whether or not the biting animal is of a species subject to rabies.

(3) A physician or other medical person who renders professional treatment to a person bitten by an animal shall report the bite and the treatment to the Department within 24 hours of treatment. He or she shall report the name, gender, and address of the person bitten as well as the type and location of the bite. If known, he or she shall report the name and address of the owner of the animal that inflicted the bite, the name, species, and breed of the animal that inflicted the bite, and any other facts that may assist the Division in ascertaining the immunization status of the animal.

(4) Any person treating an animal bitten or wounded by another animal shall report the incident to the Department. The report shall contain the name and address of the owner of the bitten or wounded, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

(5) Any person not conforming with the requirements of this Section shall be in violation of this Section and subject to a civil penalty of $100.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-6-2. Rabies vaccinations.

(1) Rabies vaccination shall be a prerequisite to licensing.

(2) Rabies vaccinations shall be considered valid only when performed by a licensed veterinarian or accredited animal rescue organization.

(3) The owner or person having the charge, care, custody, or control of a cat or dog shall have the animal vaccinated for rabies within 30 days after it reaches 4 months of age. Unvaccinated dogs or cats over 4 months of age acquired or moved into the city must be vaccinated for rabies within 30 days after coming into the city. Thereafter, every dog shall be revaccinated every 36 months and every cat shall be revaccinated every 12 months. Any person not conforming with the requirements of this subsection shall be guilty of a class C misdemeanor. This Subsection shall not apply to veterinarians or kennel operators temporarily keeping on their premises animals owned by others.

(4) The most current publication of the Compendium of Animal Rabies Control, published annually by the National Association of State Public Health Veterinarians, Inc., shall be the reference document for animal vaccine use.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1990-11, 06-14-1990)

6-6-3. Rabies tag requirements.

It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination, which shall include the following information:

(1) animal owner's name and address;

(2) description of animal (breed, sex, markings, age, name);

(3) date of vaccination;

(4) rabies vaccination tag number;

(5) type of rabies vaccine administered; and,

(6) manufacturer's vaccine serial number.

A copy of the certificate shall be distributed to the owner, and the original shall be retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in section 6-6-2 such that the most recent certificate is always on file. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-6-4. Transient animal - exception.

The provisions of this Chapter with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within Tooele City for less than 30 days. Such animals shall be kept under strict supervision of the owner.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-6-5. Impoundment of animal without rabies vaccination tag.

(1) Any animal not wearing the tag required by Section 6-6-3 shall be deemed to be unvaccinated, and may be impounded.

(2) Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner within 10 days of impoundment upon furnishing

proof of rabies vaccination and payment of all impoundment fees prior to release.

(3) Any unvaccinated animal may be reclaimed by its owner within 10 days of impoundment upon payment of all impoundment fees and by obtaining a rabies vaccination, and providing a copy of the vaccination certificate to the Division, within 72 hours of release.

(4) Any animal not reclaimed as provided in this Section may be disposed of pursuant to provisions of Section 6-7-3.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28,12-17-2003) (Ord. 1981-14, 05-21-1981)

6-6-6. Reporting of rabid animals.

Any person having knowledge of the whereabouts of an animal known to have been exposed to rabies, or suspected of having rabies, or of an animal or person bitten by such an animal, shall notify the Department or the Tooele County Health Department.

(Ord. 2017-07, 03-15-2017) (Ord. 1981-14, 05-21-1981)

6-6-7. Quarantining and disposition of biting or rabid animals.

(1) Any animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies or that has been exposed to rabies, shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the Division upon request.

(2) The owner of any animal of a species subject to rabies which has bitten another animal or a person shall surrender the animal to an officer upon request. Any officer may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer may immediately obtain a search warrant authorizing seizure and impoundment of the animal.

(3) Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies shall be seized and quarantined for observation for a period of not less than 10 days by the Division. The owner of the animal shall bear the costs and fees for impoundment and quarantine. The shelter shall be the normal place for quarantine, but other arrangements may be made by the shelter supervisor if the animal's rabies vaccination is current or if there are other special circumstances justifying the exception, in the discretion of the shelter supervisor. A person who has custody of an animal under quarantine shall immediately notify the Division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is a class C misdemeanor for any person who has custody of a quarantined animal to fail or refuse to allow a Tooele County Health Department officer or Division officer to make an inspection or examination during the period of quarantine. If the animal dies within 10 days from the date of any bite, the person having custody shall immediately notify the Department. If, at the end of the 10 day period, the shelter supervisor examines the animal and finds no sign of rabies, the animal may be released to the owner provided that no complaint under Section 6-5b-6 has been filed. In the case of a stray animal, the animal shall be disposed of as provided in Section 6-7-3.

(4) Unvaccinated bitten animals.

The owner of an unvaccinated animal should immediately destroy the animal if it has been bitten by a rabid animal. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for 6 months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner fails to isolate and quarantine the animal under veterinary care for the requisite period.

(5) Vaccinated bitten animals.

(a) In the event that a bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of 30 days following revaccination; or,

(b) If the animal is not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for 6 months.

(c) The animal shall be destroyed if the owner does not comply with items (a) or (b) of this Subsection (5).

(6) Any person who removes any such animal from the place of quarantine without written permission of the shelter supervisor is guilty of a class B misdemeanor.

(7) Repealed.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

CHAPTER 7. IMPOUNDING

6-7-1. Animals to be impounded.
6-7-2. Case report.
6-7-3. Disposition of impounded animals.
6-7-4. Fees.

6-7-1. Animals to be impounded.

(1) Officers have authority to place dogs and cats taken into custody into an animal shelter.

(2) The following dogs and cats may be taken into custody and impounded without the filing of a complaint:

(a) any animal being kept contrary to Tooele City Code Title 6;

(b) any animal creating a nuisance;

(c) any animal required to be licensed which is not licensed. An animal not wearing a tag shall be presumed to be unlicensed;

(d) any sick or injured animal whose owner cannot be located after reasonable effort;

(e) any lost, strayed, or abandoned animal;

(f) any animal required to be vaccinated for rabies which is not so vaccinated;

(g) any animal to be held for quarantine;

(h) any animal at large;

(i) any animal that has attacked a person or domestic animal; and,

(j) any animal that has bitten a person or domestic animal.

(3) The following dogs and cats shall be immediately taken into custody and impounded:

(a) any animal that has bitten a person or a domestic animal without provocation;

(b) any animal that has been determined to be dangerous pursuant to Section 6-5b-6; and,

(c) any animal previously designated as a potentially dangerous animal that is not being kept under the conditions imposed pursuant to Sections 6-5b-6 or 6-5b-7.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

6-7-2. Case report.

Officers shall complete case reports on all impounded animals, which reports shall include, as applicable:

(1) a detailed description of the animal, including tag number, if present;

(2) the reason for and the date of impound;

(3) the location of the pickup;

(4) the name of the officer picking up the animal;

(5) the name and address of any person relinquishing an animal to the officer or to the animal shelter;

(6) the name and address of the redeemer or purchaser;

(7) all expenses accruing during impoundment;

(8) all fees received; and,

(9) the manner and date of disposal.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

6-7-3. Disposition of impounded dogs and cats.

(1) Except as otherwise provided in Title 6 (i.e., for dangerous or quarantined animals), any impounded dog or cat may be redeemed from the Shelter by its owner during the impound period upon payment of the applicable fees.

(2) During impound, reasonable efforts shall be made to identify the animal's owner and give such owner notification of the impoundment. Notice shall be deemed given when contact is made by telephone or in person, or when a written message is left at the last known address of the registered owner.

(3) The owner of an impounded animal must redeem the animal within 5 business days after notification. Failure to so redeem the animal shall indicate that the animal is abandoned and subject the animal to immediate adoption, rescue, humane destruction, or other disposition.

(4) Each impounded, unredeemed animal shall be kept a minimum of 5 business days after impound, except as otherwise provided in this Title 6.

(5) Following impound, animals which are not redeemed, except for those animals quarantined under the provisions of Section 6-6-7, held under the provisions of Section 6-5b-5, or confined by court order, may be adopted out, delivered to a rescue organization, humanely destroyed, or otherwise disposed of. The Division shall not sell or adopt out any animal that has not been spayed or neutered.

(6) Quarantined animals not redeemed by their owner within 5 business days after the quarantine is ended shall be subject to immediate adoption, rescue, humane destruction, or other disposition.

(7) Any animal voluntarily relinquished or surrendered by its owner to the Division or the Shelter may be immediately adopted out, delivered to a rescue organization, humanely destroyed, or otherwise disposed of.

(8) At the discretion of a Division or Shelter supervisor, any impounded animal having or suspected of having a serious physical injury or a contagious disease requiring medical attention may be released to the care of a veterinarian, with the consent of the owner. The owner shall be responsible for all costs and fees.

(9) When, in the judgment of a Division or Shelter supervisor or officer, an impounded animal must be destroyed for humane reasons or to protect the public from imminent danger to persons or property, the animal may be destroyed without regard to any time limitations otherwise established herein and without court order.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

6-7-4. Fees.

(1) Fees relating to impounded animals shall be contained in the Tooele City Fee Schedule.

(2) If the owner of an impounded animal is identified, then the owner shall at the time of the disposition or redemption of the animal be given notice of the incurred costs and fees. Incurred costs and fees shall include all applicable impounding, boarding, veterinary,

licensing, rabies vaccination, and other costs and fees reasonably related to the impoundment of the animal. Notice shall be deemed given when hand-delivered to the owner or sent by first-class U.S. mail to the last known address of the owner.

(3) Except as otherwise provided in Title 6, the owner of an impounded animal, or the owner's agent, may redeem the animal before disposition, provided all incurred costs and fees are first paid.

(4) No fee shall be charged for:

(a) the impoundment of a suspected rabid animal if the reporting person complies with Chapter 6-6; or,

(b) the impoundment of an animal:

(i) not found to be either potentially dangerous or dangerous after a hearing under Chapter 6-5b; and,

(ii) regarding which criminal charges are declined.

(5) Except as otherwise stated in this Section, the owner of an impounded animal is liable for all incurred costs and fees under this Chapter. If not voluntarily paid within 30 days of the notice of incurred costs and fees, the incurred costs and fees may be collected using any or all of the following:

(a) referral to the City Finance Department or a third-party collection agency;

(b) referral to the City Attorney's Office to initiate a civil action for recovery of the debt; and,

(c) any other legal remedy available under law.

(6) Persons may obtain any animal not timely redeemed by its owner for a fee per animal established in the Tooele City Fee Schedule, plus the costs of license, spay, neuter, and rabies vaccination, as applicable.

(Ord. 2026-16, 03-18-2026) (Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003-28, 12-17-2003) (Ord. 1994-02, 01-11-1994)

CHAPTER 8. ANIMAL SHELTER

6-8-1. Animal Shelter provided.
6-8-2. Disposal facilities.
6-8-3. Medical treatment.

6-8-1. Animal Shelter provided.

(1) Tooele City has determined it to be in the City's best interest to provide premises and facilities to be used as an Animal Shelter where impounded dogs and cats can be adequately kept short-term, pending disposition. The City shall purchase and supply food and furnish humane care for impounded dogs and cats, subject to owner reimbursement. The Shelter is not intended or required to accept, impound, keep, feed, or otherwise care for livestock, wild or exotic animals, or other animals.

(2) Shelter personnel shall do the following:

(a) see that all animals and animal holding facilities at the Shelter are licensed, controlled, and permitted in accordance with any applicable laws and regulations; and,

(b) establish, in cooperation with the Tooele City-County Health Department and other interested governmental agencies, as applicable, adequate measures for rabies immunization and control.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-8-2. Disposal facilities.

Tooele City shall provide for the humane destruction of dogs and cats allowed to be euthanized pursuant to this Title or the laws of the State of Utah.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-8-3. Medical treatment.

Tooele City may furnish medical treatment, when necessary, in the City's discretion, to dogs and cats impounded under the provisions of this Title. The costs for such treatment shall be assessed to the owner upon redemption, or to the new owner upon adoption or transfer to a rescue organization.

(Ord. 2023-32, 08-03-2023) (Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

CHAPTER 9. CRUELTY TO ANIMALS

6-9-1. Repealed.
6-9-2. Repealed.
6-9-3. Repealed.
6-9-4. Repealed.
6-9-5. Repealed.
6-9-6. Repealed.
6-9-7. Injuries to animals by motorists.
6-9-8. Repealed.
6-9-9. Malicious impounding.
6-9-10. Penalties.

6-9-1. Repealed.
(Ord. 1989-03, 03-01-1989)

6-9-2. Repealed.
(Ord. 1989-03, 03-01-1989)

6-9-3. Repealed.
(Ord. 1989-03, 03-01-1989)

6-9-4. Repealed.
(Ord. 1989-03, 03-01-1989)

6-9-5. Repealed.
(Ord. 1989-03, 03-01-1989)

6-9-6. Repealed.
(Ord. 1989-03, 03-01-1989)

6-9-7. Injury to animals by motorists.

(1) Every operator of a vehicle upon the streets of Tooele City shall immediately upon injuring, striking, maiming, or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, the operator shall immediately notify the Department or the Division, furnishing requested facts relative to such injury.

(2) It shall be the duty of the vehicle operator to remain at or near the scene until such time as an officer arrives. Upon the arrival of an officer, the operator shall immediately provide the operator's identity, as well as incident details, to the officer. Alternatively, in the absence of the owner of the injured animal, the operator or other person may give aid by taking the animal to the animal shelter or other animal care facility and by promptly notifying the Division. Such animal may be taken in by the animal shelter and dealt with as deemed appropriate by shelter personnel under the circumstances.

(3) Emergency vehicles are exempt from the requirements of this Section.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-9-8. Repealed.
(Ord. 1989-03, 03-01-1989)

6-9-9. Malicious impounding.

It is unlawful for any person maliciously to secrete or impound the animal of another.

(Ord. 2003-28, 12-17-2003) (Ord. 1989-03, 03-01-1989)

6-9-10. Penalties.

Any person who violates any provision of this Chapter is guilty of a class C misdemeanor.

(Ord. 2003-28, 12-17-2003)

CHAPTER 10. WILD ANIMALS

6-10-1. Wild animals.
6-10-2. Protected species.
6-10-3. Penalties.

6-10-1. Wild animals.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, purchase, or otherwise harbor any wild animal as defined in Section 6-2-1, except that the animal shelter, zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1988-17, 08-03-1988)

6-10-2. Protected species.

It is unlawful for any person to keep an animal of a species prohibited or protected by Title 50 of the Code of Federal Regulations or by any regulation or law of the State of Utah.
(Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-10-3. Penalties.

Any person who violates any provision of this Chapter is guilty of a class C misdemeanor.
(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003)

CHAPTER 11. REGULATORY PERMITS; KENNELS

6-11-1. Commercial permits.
6-11-2. Display of permit.
6-11-3. Renewal of permit.
6-11-4. Permit fees.
6-11-5. Exemptions.
6-11-6. Inspections.
6-11-7. Standards for establishments.
6-11-8. Suspension or revocation of permits.
6-11-9. Repealed.

6-11-1. Commercial permits. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-2. Display of permit. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-3. Renewal of permit. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-4. Permit fees. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-5. Exemptions. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-6. Inspections. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-7. Standards for establishments. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-8. Suspension or revocation of permits. (Repealed)
(Ord. 2017-07, 03-15-2017)

6-11-9. Repealed.
(Ord. 2003-28, 12-17-2003)

CHAPTER 12. Repealed. (Ord. 88-28, 09-07-88)

CHAPTER 13. Repealed. (Ord. 88-28, 09-07-88)

CHAPTER 14. Repealed. (Ord. 96-02, 02-07-96)

TITLE 7. UNIFORM ZONING TITLE OF TOOELE CITY

Chapter 1. General Provisions.
Chapter 1a. Amendments to the Tooele City General Plan Zoning Ordinance, and Zoning District Map.
Chapter 2. Supplementary and Qualifying Regulations.
Chapter 3. Nonconforming Uses.
Chapter 4. Off-Street Parking Requirements.
Chapter 5. Conditional Use.
Chapter 6. Planned Unit Development Overlay District (PUD).
Chapter 6a-j. Historic PUDs.
Chapter 7. Repealed (Ord. 97-21, 06-04-97).
Chapter 8. Mobile Home Parks.
Chapter 9. Recreational Vehicles and Recreational Vehicle Parks.
Chapter 10. Performance Standards for Industrial and Other Uses.
Chapter 11. Design Review.
Chapter 11a. Design Standards: Multi-Family Residential.
Chapter 11b. Design Standards: Single-Family Residential.
Chapter 12. Sensitive Area Overlay Zoning Regulations.
Chapter 13. Zoning Districts.
Chapter 13a. OS Open Space Zone.
Chapter 14. Residential Zoning Districts.
Chapter 14a. Accessory Dwelling Units
Chapter 14b. RSD Residential Special Districts
Chapter 15. Residential Facilities For Persons with a Disability.
Chapter 15a. Residential Facilities for Elderly Persons.
Chapter 16. Zoning District Purpose and Intent. Mixed Use, Commercial, Industrial and Special Purpose Districts.
Chapter 16a. CSD Commercial Special Districts
Chapter 16b. Business Park Zoning District
Chapter 17. Repealed (Ord. 98-40, 12-16-98).
Chapter 18. Planned District, P. Repealed**.**
Chapter 18a. Planned District: Overlake (P)
Chapter 19. Subdivisions.
Chapter 20. Condominium Approval Procedure.
Chapter 21. Residential Facilities for Handicapped Persons. Repealed**.**
Chapter 22. Certificates of Occupancy.
Chapter 23. Official City Maps and Major Street Master Plan.
Chapter 24. Annexed Areas.
Chapter 25. Signs.
Chapter 26. Water Rights.
Chapter 27. Personal Wireless Telecommunications Facilities.
Chapter 28. Constitutional Taking Issues.
Chapter 29. Temporary Vehicle Sales Lots.

CHAPTER 1. GENERAL PROVISIONS.

7-1-1. Purpose.
7-1-2. Interpretation.
7-1-3. Conflict.
7-1-4. Effect on Previous Ordinances and Maps.
7-1-5. Definitions.
7-1-6. Enforcement.
7-1-7. Violation.
7-1-8. Construction.
7-1-9. Appeals and Variances.

7-1-1. Purpose.

This Title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Tooele City, including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development.
(Ord. 1983-05, 04-20-1983)

7-1-2. Interpretation.

In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.
(Ord. 1983-05, 04-20-1983)

7-1-3. Conflict.

This Title shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, including this Tooele City Code, but shall prevail notwithstanding such provisions which are less restrictive.

7-1-4. Effect on Previous Ordinances and Maps.

The existing ordinances governing zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Title, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Title, whether in the same or in different language; and this Title shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings or structures became conforming or nonconforming.

(Ord. 2019-08, 03-20-2019) (Ord. 1983-05, 04-20-1983)

7-1-5. Definitions.

Accessory Building - A structure detached from a principal or primary building located on the same lot and incidental and subordinate to the principal building or use.

Accessory Drive Through Facility - A building element or design feature that permits goods or services to be provided to a customer while occupying a vehicle, without entering the building.

Accessory Dwelling Unit - A subordinate dwelling, containing its own eating, sleeping, and sanitation facilities, which is:

(1) located internal to or attached to a primary dwelling or non-residential structure; or,

(2) a detached dwelling unit on the same lot as a primary dwelling.

Accessory Dwelling Unit for Caretaker - A dwelling unit, occupied only by a caretaker and related family, which must be located within and subordinate to the primary building and not as an independent structure.

Accessory Outdoor Sales and Display - The placement outside of a building of items for display or sale which are ordinarily available for sale at the location within a building or structure.

Accessory Outside Storage - The outside placement of items which are customary and incidental to the principal use of the property but excluding the outside storage and placement of flammable and hazardous materials.

Accessory Outside Storage of Flammable or Hazardous Materials - The outside placement of flammable or hazardous materials which are customary and incidental to the principal use of the property.

Accessory Use - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

Accessory Vehicle Storage Yard - Private storage yard for the storage of automobiles for up to and not to exceed 120 days, in conjunction with and ancillary to an allowed automobile sales and rental business including, but not limited to, temporary storage of re-possessed vehicles, vehicles awaiting insurance claims and vehicles awaiting general maintenance or repair prior to being sold.

Adjacent - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

Adult Day Care - A non-medical facility for the daytime care of adult persons, and not exceeding 12 hours, who due to age or disability require assistance, companionship, association and or supervision during the day by staff members.

Agriculture (Forestry/Horticultural) - An establishment devoted to the tilling of the soil, the raising of crops, pasture, horticulture, trees, orchards and gardens, but not including any agricultural industry or business such as fruit packing plants, canneries or agricultural processing facilities. Includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Agriculture (Livestock) - An establishment devoted to the tilling of the soil, the raising of crops, and livestock, but not including any agricultural industry or business such as fur farms, animal hospitals, feed lots or similar uses, and including such uses as crop farms, dairy farms, livestock farms, poultry farms, general farms, horse farms, and similar uses. Agriculture (livestock production) includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Agriculture Business - A business or industry involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding or storage, including commercial greenhouses, feed yards, fur farms, food packaging or processing plants, commercial poultry and egg production and similar uses.

Airport - Areas used for the landing and takeoff of aircraft, and any appurtenant areas which are intended for use as airport buildings or other airport facilities.

Alter or Alteration - To change, rearrange, enlarge, extend, or reduce any structure or part thereof on the same site.

Amusement Facility - A site or facility providing games or activities operated for the purpose of entertainment for patrons such as haunted houses, video and arcade games, rides, water slides, or other substantially similar uses.

Animal Hospital - Any facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats and other animals.

Apiary - Any structure or area used for the keeping or bees and/or the collection of honey.

Applicant - The property owner, or authorized agent of the property owner who files an application for development approval pursuant to this Code.

Application - For the purpose of this Title, any written request for approval or issuance of a development order, permit, or license including but not limited to Zoning District amendments, subdivision plats, site plans, building and development permits, variances, Conditional Use Permits.

Application for Reimbursement - A completed application for reimbursement filed pursuant to Tooele City Code §7-19-13, as amended.

Asphalt Plant - A facility, structure or area used for the manufacture and mixing of asphalt and asphalt related products, including areas and facilities used for the storage of materials required for asphalt manufacture.

Authorized Agent - Any person with valid authority provided by the Owner, as evidenced by a document, filed with the City, authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development permit approval.

Auto Impound Yard - Public or private storage yard for the temporary storage of automobiles under impound as a part of a law enforcement towing and impound rotation program and in compliance with all applicable Utah State laws and regulations.

Automobile Body and Fender Service and Repair - An establishment engaged in the service and repair of body and fender components of automobiles, trucks, motorcycles, motor homes, or recreational vehicles. Typical activities include patching, grinding, sanding, and painting of body and fender parts of any type of vehicle. This use shall be entirely conducted within an enclosed structure and subject to annual inspection by the Tooele City Fire Department and the Tooele City Building Official.

Automobile Sales and Rental - An establishment primarily engaged in the sales and / or rental of automobiles, trucks less than 10.000 G.V.W., motorcycles, motor homes, or recreational vehicles, including sale and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, trailer, or recreational vehicle dealerships, and automobile and light truck rental establishments.

Automobile Service and Repair - An establishment primarily engaged in the mechanical or electrical repair of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, or recreational vehicles. Typical uses include auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, and where all repair and service activities occur within an enclosed building. This use does not include body and fender shops, and dismantling or salvage of any vehicles.

Bar - An establishment serving alcoholic beverages for consumption on the premises. The term "bar" shall also include taverns, discotheques, night clubs, private liquor clubs and saloons.

Base Zoning District, or Underlying Zoning District - the zoning district applicable to a use of land.

Beauty Shop - An establishment for the cutting, styling, and treatment of hair, skin, fingernails, toenails, etc. Includes a barber shop. Excludes tattoo parlors.

Bed and Breakfast Inn - An establishment in which one to six rooms are rented for overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

Boarding House - An existing residential structure a portion of which is used to accommodate for compensation, no more than three boarders or roomers, not including members of the owner's immediate family.

Building -

(1) any structure, whether portable or fixed typically enclosed within exterior walls under a roof to form a structure, used or intended for supporting or sheltering any use or occupancy; or,

(2) the act or process of constructing a structure.

Building Area - The portion of a lot which is within the envelope formed by the required yards or setbacks.

Building Height - The vertical distance on any one two-dimensional building elevation (i.e. front, sides, rear) measured from the lowest point of finished grade of earth at the foundation to either:

1) the midpoint of all pitched areas for sloped roofs; or

2) the top of the vertical building wall for flat roofs or gabled walls, whichever is greatest.

Chimneys may exceed the height limitations to the extent required by applicable fire codes. See Figure 7-1-5(1) for typical examples.

Building Maintenance Services - An establishment engaged in the provision of maintenance and/or custodial services to commercial or residential buildings and structures including window cleaning services, janitorial services, landscaping services and exterminating services.

Business Office - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

Campground - Any area of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including tents, travel trailers, and recreational vehicles, as temporary living quarters for recreation, education, or vacation purposes.

Car Wash - A structure with machine, or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means. A facility of this type may be able to accommodate more than one vehicle at the same time.

Carport - A roofed automobile structure open and unobstructed on two or more sides. A carport is subject to all the requirements for the location and construction of a garage.

Chemical Manufacture and Storage - The manufacture, processing and storage of chemical materials that by reason of materials, processes,

products or waste may be hazardous or that by the emission of odor, dust, smoke, gases, noise, vibration, glare, heat or other impacts may impact adjoining properties.

Church - A facility principally used for people to gather together for public religious worship, religious training, or other religious activities. One accessory dwelling for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use.

Cluster - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, agriculture areas and for the preservation of environmentally-sensitive and critical areas.

Commercial Center - A group of retail stores with one or more being a major activity on the site and where all buildings are planned and built as one development with off-street parking provided on the property.

Concrete Plant - A facility, structure or area used for the manufacture and mixing of concrete and concrete related products, including areas and facilities used for the storage of materials required for concrete manufacture.

Conditional Use - A use requiring special consideration and review in the manner identified in this Ordinance.

Conference Center - A facility, separate from another principal use and providing meeting rooms and areas for group gatherings, including areas for dining and accessory parking areas and other facilities.

Construction Cost - The actual costs of construction, including mobilization, equipment, labor, materials, and other typical construction contract costs, but not including design, engineering, surveying, financing, third-party administration, and other indirect costs typically associated with construction contracts.

Contractor's Display/Office - A facility providing for general building repair, service, and maintenance such as, and including installation of plumbing, roofing, signs, electrical, air conditioning, and heating.

Contractor's Storage Yard - A facility or area used for the outside storage of building materials and contractor's equipment and vehicles.

Convalescent Care Facility - See Nursing Home.

Convenience Store - Any retail establishment selling consumer products including prepackaged food and household items, having a gross floor area of less than 4,000 square feet.

Cost Differential - The difference between the Construction Cost of the City's required minimum standards and specifications for the Eligible Public Improvements, and the Construction Cost of the Eligible Public Improvements required by the City as a condition of development approval.

Cultural and Artistic Uses - A building used for the display of artistic, cultural or historic items, for the conduct of human performances and similar activities including, museums, art galleries dance studios, and concert halls.

Day Care/Preschool (Commercial) - A nonresidential facility providing for the care, supervision, and protection of 17 or more children and complying with all the requirements as licensed and monitored by the State of Utah Department of Human Services. For the purposes of this Code Commercial Day Care includes preschools offering educational programs to 17 or more children at any one time. All Nonresidential Commercial Day Cares and Preschools shall follow all standards for site plan development, including parking, landscaping, building setbacks and so forth as required by the GC General Commercial Zone.

Day Care/Preschool (Home Occupation) - The care of children within a dwelling unit that provides care for four to 16 children (including "infant child care" and "family child care" as defined by the Department of Human Services) under 14 years of age and complying with all the requirements as licensed and monitored by the State of Utah Department of Human Services. Home Occupation Day Care/Preschool does not mean care provided to children by or in the homes of parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts.

Dedication - The legal transference of an interest in land without sale by a property owner to a public agency for a public purpose.

Density - The number of dwelling units per acre with respect to residential land uses.

Depreciation Value - The Construction Cost minus a per annum depreciation of the Construction Cost of 5% for roads and 2% for water, sewer, secondary water, and storm water utilities, beginning one year after the date of development approval.

Developer - The owner or authorized agent of land proposed to be subdivided or developed or who is responsible for any undertaking that requires City review and/or approval pursuant to this Code.

Development Parcel - The real property subject to a development application (for purposes of this definition, the "Subject Property"), plus other adjacent properties with a logical nexus to the property subject to the development application, as determined by the City in light of the following factors, among others:

(1) Land ownership relationships between the Subject Property and adjacent properties;

(2) Zoning of the Subject Property and adjacent properties;

(3) Proposed density, use, configuration, and public utility services demands on the Subject Property, including development phasing;

(4) Proposed or anticipated development on the adjacent properties, and the density, use, configuration, and public utility services demands of the proposed or anticipated development.

(5) City-approved planning documents, including the general plan and its constituent master plans;

(6) Proximity of the Subject Property to existing utilities, and the capacity and condition of those utility infrastructures;

(7) The size of the Subject Property in relation to adjacent properties.

Development Permit - Any building permit; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning; or any other official action of the City or any state or local government commission, board, agency, department or official having the effect of permitting the development of land located within the corporate boundaries of Tooele City and subject to the provisions of this Ordinance.

Disability - a physical or mental impairment that substantially limits one or more of a person's major life activities. Disability does not include the current use of alcohol or current illegal use of any federally or state of Utah controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or in the Utah Controlled Substances Act, U.C.A. Chapter 58-37, each as amended.

Distribution Center - A building used primarily for the inside storage and distribution of goods and materials and the parking and storage of tractor and/or other trailer units.

District - A portion of the city within which certain uses of land and buildings are permitted or prohibited and in which other buildings or land restrictions may be specified as set forth herein.

Dwelling - A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

Dwelling; Cabin/Seasonal Home - A structure designed to provide housing for the owner, or guests of the owner, on a temporary basis.

Dwelling; Condominium - A structure or group of structures, in which units are owned individually, and the structure(s), common areas and facilities are owned by all the owners on a proportional, undivided basis which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act.

Dwelling; Duplex - A two family dwelling that shares a center wall on one shared lot.

Dwelling; Farm and Ranch Employee Housing - A structure located on an operating farm or ranch and designed to provide housing for employees of the farm or ranch on a temporary or permanent basis.

Dwelling; Manufactured Home - A dwelling unit constructed in accordance with the standards set forth by the Department of Housing and Urban Development and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A Manufactured home shall comply with all the requirements of this Ordinance generally applicable to a dwelling unit located in the same zoning district.

Dwelling; Mobile Home - A structure built on a permanent chassis, and transported in one or more sections, is eight feet or more in width and 40 feet or more in length, and designed to be drawn by a motor vehicle, and used as a dwelling with or without a permanent foundation and connected to utilities. Pre-manufactured and modular homes not placed on a permanent foundation shall be considered a mobile home.

Dwelling; Multiple-family or Multi-family - A structure designed to be occupied by three or more families, living independently of each other with each unit having its own kitchen, including but not limited to apartments, condominiums and townhouses, but not including motels or hotels.

Dwelling, Primary - A single-family dwelling unit to which an accessory dwelling unit is subordinate.

Dwelling, Single-family - A structure designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling; Twin Home - A two family dwelling that shares a center wall and the lot line extends down the middle of the home dividing the structure into two privately owned units on privately owned lots.

Dwelling; Townhouse - A single-family dwelling attached in a row of three or more with one or more common walls between each dwelling unit under separate ownership, on their own lot or parcel, with separate private entrances for each unit, and without direct access between units.

Dwelling; Two-family - A structure designed to be occupied by two families, the structure having two dwelling units. Includes a duplex and twin home.

Easement - A portion of a lot reserved for present or future use by a person or agency other than the owner of the lot. An easement may be under, on or above the lot.

Eligible Public Improvements - Roads and water, sewer, publicly-owned secondary water, and storm water utilities that are required by the City and that exceed the City's required minimum standards and specifications for a particular development. Eligible Public Improvements do not include street signs, regulatory signs (e.g. stop signs), street lights, sidewalk, curb & gutter, monuments and markers, landscaping, privately-owned utilities (e.g. telephone, gas, power, cable television, fiber optics), and other similar improvements, as well as features desired by the Developer that exceed the City's required minimum standards and specifications. Eligible Public Improvements also do not include Public Improvements required as a condition of annexation. The minimum required standards and specifications shall be based on the infrastructure needs of the Development Parcel, as determined by the City.

Extractive Industry - An establishment engaged in the on-site extraction of surface or sub-surface mineral products or natural resources. Typical industries include

quarries, sand and gravel quarries, oil and gas extraction, and mining operations.

Family -

(1) An individual person.

(2) Two or more persons, related by blood, marriage, or adoption, including foster children, living together in a dwelling; and, up to two other persons, hired for domestic help, residing in the dwelling.

(3) Up to four unrelated persons living together in a dwelling.

(4) A group of persons with a disability living in a residential facility for persons with a disability as permitted by Chapter 7-15 of this Title.

Farm animals - Animals that are domesticated and normally kept on farm or range lands, commonly referred to as livestock, including but not limited to, horses, cattle, swine, sheep, goats, rabbits, and fowl, including roosters.

Fast Food Restaurant - An establishment in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises without leaving a vehicle.

Financial Services - An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers loan and lending activities.

Food and Beverage Processing - An establishment in which foods, grains, or raw materials are processed or otherwise prepared for human consumption, including dairy manufacturing, canning and preserving foods, grain milling, bakery products and beverage manufacturing.

Funeral Home/Mortuary - An establishment engaged in undertaking services such as preparing the human dead for burial or cremation and arranging and managing funerals.

Garage, Private - A detached accessory building, or a portion of a principal building, used for the storage of motor vehicles for the tenants or occupants of a dwelling or specific building and not by the general public.

Garden Center - An establishment where plants are offered for sale and including the sale of related plant and garden items.

Gardening - The care and raising of crops, pasture, trees, orchards vegetables and fruit.

General Industrial Activity - A manufacturing operation or processing and assembly of goods which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste. Not to include outside storage or warehousing.

General Plan - A plan for the city, allowed by state law, prepared and adopted by the Planning Commission and City Council, and including maps, texts, charts, and graphs.

Golf Course/Country Club - A facility providing land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

Grade - The average of the existing ground level at the center of all walls of a building. In case walls are parallel to, and within five feet of, a sidewalk, the ground level shall be measured at the sidewalk.

Gravel Pit - See Quarry.

Greenhouse - A building, structure or place where plants are raised for experimental purposes, for transplanting, or for sale.

Guarantee - Escrow bond in an amount and form satisfactory to the City. All guarantees shall be approved by the City wherever required by these regulations.

Hardware Store and Garden Supply Store - A facility for the retail sale of a number of basic hardware items, such as tools, builders' hardware, paint and glass, home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials, but excluding commercial greenhouses.

Hazardous Materials Storage - Means the importation of hazardous wastes, materials, or substances for treatment, storage for more than ten days, or disposal, either for profit or non-profit purposes, including lithium-ion batteries. A lithium-ion or Li-ion battery is a type of rechargeable battery that uses the reversible intercalation of Li+ ions into electronically conducting solids to store energy.

Hazardous Waste In-Transit Facility - a facility that transports, stores, handles, or maintains hazardous wastes for periods of ten days or less.

Health Care Facility - General acute hospitals, specialty hospitals, home health agencies, hospices, birthing centers, ambulatory surgical facilities, and any other health care facility as defined by the Utah Health Care Facility Licensure and Inspection Act, Utah Code §26-21-2., excluding offices of Health Care Providers, Nursing Homes or Emergency Care Facilities.

Health Care Provider - An office, clinic, laboratory or any other facility engaged in furnishing medical, surgical or other services including a physician, dentist, dental technician, chiropractor, accupressurist, acupuncturist, therapist, counselor or other similar occupation.

Health Club - A club (athletic, health or recreational), with full service facilities including but not limited to exercise facilities, work-out equipment, showers, lockers, pools and saunas.

Heavy Equipment Sales and Rental - An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment. Typical uses include truck dealerships, construction equipment dealerships.

Heavy Equipment Service and Repair - An establishment primarily engaged in the service and repair of trucks of one ton or greater capacity, tractors,

construction equipment, agricultural implements, or similar equipment.

Heavy Industrial Manufacturing and Assembly - The assembly, fabrication, or processing of goods and materials using processes that ordinarily, and are expected to have, greater than average impacts on the environment, or that have significant impacts on the use of adjoining properties by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts. This activity generally includes processing of large items, products extracted from raw materials, or products involving flammable or explosive materials or processes which require expansive buildings or land areas.

Heliport - Any designated area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Heavy Equipment Sales and Rental - An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment. Typical uses include truck dealerships, construction equipment dealerships.

Home Occupation - An accessory use consisting of a vocational activity conducted inside a dwelling unit or a structure accessory to a dwelling unit.

Hospital - A building or building(s) for the diagnosis, treatment and care of human illness or infirmity, but not including clinics.

Hotel - A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms or suites of guest rooms and which furnishes services customarily provided by hotels which may include reception and convention facilities.

In-fill Development - Subject to applicable development standards, the permitting of a primary dwelling upon:

(1) a conforming lot, created by subdivision final plat approved by the Tooele City Council, located within Geographic Area A illustrated in Figure 7-1-5.2; or,

(2) a conforming lot, created by subdivision final plat approved by the Tooele City council, located with Geographic Area B illustrated in Figure 7-1-5.2, exclusive of Geographic Area A; or,

(3) a legal nonconforming lot or parcel of record, existing on the date of building permit application for that lot or parcel, whether or not containing a dwelling.

Junk Yard/Salvage Yard - The use of any lot, portion of a lot, or land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery.

Kennel - Any lot or premises or portion thereof on which four or more dogs, cats, and other household domestic animals, more than six months old, are maintained, boarded, bred, or cared for in return for compensation or kept for sale.

Laundromat - An establishment within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals doing their own laundry and dry cleaning. Laundromat does not include outdoor drying facilities.

Light Manufacturing and Assembly - An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution. Allowed Light manufacturing activities will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste, and where all equipment, compressors, generators and other ancillary equipment is located within a building or structure and any outside storage areas are screened from view from all adjoining properties and streets.

Liquor Store - A facility, authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.

Lot or Subdivision Lot - Any parcel of land which:

(1) has been legally established in the office of the Tooele County Recorder; and,

(2) has been established by way of or included within a subdivision final plat approved by Tooele City.

Medical and Dental Clinic - A building or other facility engaged in furnishing medical, surgical or other services including a physician, dentist, dental technician, chiropractor, acupressureist, acupuncturist, therapist, counselor or other similar occupation.

Medical Cannabis Pharmacy - A medical cannabis pharmacy as defined in UCA 26-61a-102, as amended.

Medical Cannabis Production Establishment - A cannabis production establishment as defined in UCA 4-41a-102, as amended.

Membership Club - A facility owned or operated by a group of people organized for a common educational, service, or recreational purpose. These clubs may be characterized by certain membership qualifications, payment of fees or dues and regular meetings and activities. This use may include hunting and gun clubs but does not include Private Clubs.

Military Surplus Yard - Public or private storage yard for the storage and/or display of military automobiles or equipment. This use may occur outdoors or within an enclosed building.

Mine - An establishment engaged in activities on or below the surface of the land for the exploration, development of, and extraction of mineral deposits including rock, sand and gravel, including transportation, concentration, milling, evaporation and other primary processing operations.

Mobile Home Park - A parcel of land under single ownership, approved by the City, and which is designed

to accommodate the placement of mobile, manufactured, or modular homes on leased or rented pads or lots.

Mobile Home Subdivision - A parcel of land subdivided into separate and individual lots which is designed and planned to accommodate the placement of mobile, manufactured, or modular homes on each lot.

Motel - An establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients with associated restaurants, dining facilities and meeting rooms.

Nonconforming structure - A structure that does not conform to the yard coverage, height, setback or other physical dimensional requirement of the district.

Nonconforming use - An activity which is not an allowed use within the Zoning District and which may not conform to the use standards, including parking, regulations in the district in which it is situated.

Nursery/Plant Nursery - An activity where plants, shrubs, trees, and other horticultural materials and supplies are sold, including both wholesale and retail sales.

Nursing Home - A facility which provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility, and who do not meet the definition of family under this Code. A Nursing Home provides some level of skilled nursing or medical service to the residents. Includes Convalescent Care Facility.

Open Space Area - Means and refers to areas preserved due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of recreation activities. These areas may also be provided for the minimization of environmental concerns, including but not limited to, wetlands, steep slopes, areas prone to a high water table and flood area, rock slides and debris flows. These areas may also include natural enhancement areas, nature trails, nature study, and view areas. Roadway areas including rights-of-way, parking lots, lawns, setback areas or other undisturbed portions of building lots shall not constitute open space.

Owner - Any person, or group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

Parcel of Record - Any parcel of land which:

(1) has been legally established in the office of the Tooele County Recorder;

(2) has not been established by way of or included within any subdivision final plat approved by Tooele City; and,

(3) is a conforming parcel to the regulations of the zoning district in which it is located.

Park and Ride Facility - A parking area and transit facility for the parking of motor vehicles with a connection to public transportation or mass transit services.

Parking Space - An area maintained for the parking or storage of a motor vehicle, which is graded for proper drainage and is hard surfaced or porous paved.

Permitted Use - A use of allowed by right under the provision of the Code.

Personal Services - An establishment for the provision of personal services including but not limited to dry cleaners, tanning salon, fitness center, photographic studio, or travel bureau.

Personal Storage Facility (mini-storage) - A facility for storage of personal items in individual units, bins, rooms, or containers. Any unit, bin, room, or container must be a permanent structure.

Pet Shop/Pet Grooming - a retail establishment involved in the sale of domestic animals and/or grooming of such animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals, such as horses, goats, sheep and poultry. The boarding of domestic animals on the premises would be considered an accessory use and allowed as a conditional use, with limits on the number and type of animals to be boarded.

Plat Amendment - A change in a map of an approved or recorded subdivision plat if such affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Preliminary Plat - The preliminary drawing or drawings, described in this Code, indicating the proposed manner or layout of the subdivision.

Preliminary Site Plan - The preliminary drawing or drawings, described in the Code, indicating the proposed manner or layout of a proposed nonresidential, attached residential or mixed-use development.

Premises - Land and/or buildings or other improvements thereon.

Principal Use or Primary Use - The main use of land or a building (as distinguished from an accessory use).

Prior Developer - A Developer that constructs Eligible Public Improvements.

Private Club - A social club, recreational athletic or kindred association which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.

Private Park - An area owned and operated privately for the exclusive use of the owner, the owner's guests, or for a fee and providing active and passive recreational opportunities including uses such as playgrounds, sporting facilities and commercial recreational facilities.

Private School - An educational institution, not operated by a political entity of the State for which entrance or tuition fees are charged for attendance.

Professional Office - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, legal, accounting, architectural, engineering, insurance, property management, investment, personnel, travel, secretarial services, and business offices of public utilities, organizations, and associations.

Project - A proposal, application, or the construction of improvements to property. This may include clearing and grading of land, construction, alteration or reconstruction of right-of-way improvements, structures and associated ground covers or similar activities resulting from land use approvals or the issuance of a permit.

Public Building, Public Facility - A building or structure primarily used for the provision of services by governmental or public agencies, including the city, state or federal agencies. Typical uses include public administrative offices, maintenance facilities, active open space owned and operated by a public entity, fire stations, police stations, utility buildings and similar services. Does not include Health Care Facility or Health Care Provider.

Public Improvements - Are all public utility infrastructure improvements, whether on- or off-site, including as defined in Section 4-1-5 of the Tooele City Code, and including all sewer, storm water, culinary water, publicly-owned secondary water, street lights and associated electrical, streets, curbs, gutters, sidewalks, alleys, easements and rights-of-way, street signs, monuments and markers, regulatory signs, landscaping (including park strip and trees), and other improvements considered public utility infrastructure improvements in the construction trade which are found within typical subdivision and site plan construction documents

Public or Private Educational Facility - Buildings and uses for educational or research activities which is operated by a public or private entity, and has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including facilities for faculty, staff, and students.

Public Park - A use operated exclusively by a public body, such use having the purpose of providing active and passive recreational opportunities for the citizens of the city and including uses such as playgrounds and other recreational facilities.

Public School - An educational institution, operated by a political entity of the State of Utah.

Public Use - A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including recreational facilities, administrative, and service facilities, and public utility facilities.

Quarry - An establishment engaged in activities on the surface of the land for the extraction of mineral deposits including rock, sand and gravel, including the transportation, crushing, loading and other processing operations.

Reasonable Accommodation - a change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

(1) "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

(2) "Necessary" means that the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

(3) "Reasonable" means that a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

Reception Center - A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.

Recreational Facility, Indoor - A recreation facility located within a structure or building and operated for the purpose of physical activities or entertainment through games and activities of skill such as a skating rink, bowling alley, mini-golf course, billiards, sport or athletic training facilities, batting cages, or substantially similar uses. Such uses shall not include public parks, membership clubs, or amusement facilities.

Recreational Facility, Outdoor - A facility operated for the purpose of physical activities or entertainment through games and activities of skill such as a skating rink, bowling alley, mini-golf course, billiards, sport or athletic training facilities, batting cages, swimming pool, tennis and racquetball facilities, or substantially similar uses. Such uses shall not include public parks, membership clubs, or amusement facilities.

Recreational Facility, Private - A facility or area operated on private property and not open to the public, including recreation facilities owned by a home owner or property owners association for private use by members.

Recreational Vehicle Park/RV Park - See Campground.

Recycling Collection Site - A center for the acceptance and temporary storage of recyclable materials to be transferred to a processing facility. Recycling Collection Centers involve no more than three collection containers up 40 cubic yards in total size. Collection Centers located in parking lots, may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow. The operator of the collection enter shall remove products stored at the site at least once a week. The operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance. Automated can recycling machines

are limited to two per site.

Recycling Processing Center - A facility where recyclable and organic materials are collected, stored and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Facilities where the sole purpose is to utilize recyclable materials in manufacturing an end product which does not require further processing shall be considered a General Industrial and not a recycling use. Organic materials are limited to tree limbs, leaves, and grass clippings only.

Repair Shop - A establishment providing for the repair and servicing of household, personal and office items with no outside storage of goods, materials or supplies.

Research Facility - A facility that conducts research and development work.

Residential Facility for Elderly Persons - A dwelling unit inhabited by persons who are 60 years old or older who desire or need to live with other elderly persons in a group setting but who are capable of living independently. Does not include a health care facility, nursing home, retirement center, or residential facility for persons with a disability.

Residential Facility for Persons with a Disability - A dwelling in which no more than eight disabled persons reside and which is licensed or certified, as applicable, by:

(1) the Utah Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; and,

(2) the Utah Department of Health under Title 26, Chapter 21, of the Utah Code, Health Care Facility Licensing and Inspection Act.

Restaurant - A building in which food is prepared and served for consumption within the premises. Typical uses include buffets; cafes; cafeterias; coffee shops; diners; dining rooms; dinner theaters and snack shops.

Retail Store - An establishment for the retail sale of merchandise. Retail store includes but is not limited to antique or art shops, clothing, department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, paint, pet, shoe, sporting, or toy stores.

Retirement Center - Any age-restricted development, developed, designed for, and marketed to adults at or near retirement age, which may be in any housing form including detached and attached dwelling units, apartments, and residences, offering private and semi-private rooms. Retirement Center dwelling units are limited to a minimum size of 590 square feet for a one-bedroom dwelling unit, 700 square feet for a two-bedroom dwelling unit, and 850 square feet for a three-bedroom dwelling unit. Buildings fully constructed prior to the effective date of Tooele City Ordinance 2002-21 shall be exempt from the regular height restriction.

Rock, Sand, and Gravel Storage and Distribution - The outdoor storage and sale of rock, sand and gravel in bulk quantities and the storage on-site of necessary loading equipment, facilities and vehicles.

Shooting Range, Indoor - A structure used for archery and/or the discharging of any firearm for the purposes of target practice or temporary competitions.

Site - The land area upon which a Project is proposed, considered, constructed or developed including all associated improvements.

Site Plan - A development plan of one or more lots on which is shown:

(1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways;

(2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures, signs, lighting and screening devices;

(3) the location of building pads for all residential and nonresidential buildings; and

(4) the location and extent of all external buffers from surrounding areas.

Sports Field - An area which is developed with recreation and support facilities for the convenience of the user, including, but are not limited to, baseball or softball fields, football or soccer fields, basketball courts, tennis courts, picnic areas, playgrounds.

Structure - A combination of materials to form a construction for use, installed on, above, or below the surface of land or water including a walled and roofed building, as well as a manufactured home on a permanent foundation. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Subdivide - The act or process of creating a subdivision.

Subdivider - Any person who: (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision; or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; and, (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided or resubdivided into two or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether

by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. Subdivision does not include a non-standard division of land under Section 7-19-6.2.

Subdivision Plat - The final map or drawing, described in this Code, of a plan of subdivision to be presented to the City for approval and when approved, may be submitted to the Utah County Recorder for filing.

Subsequent Developer - A Developer whose development is not derived from the Prior Developer's development, and whose development benefits from Eligible Public Improvements constructed by the Prior Developer.

Telecommunications Site/Facility - A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment which have an effective radiated power of 100 watts or less. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

Temporary - Not to exceed a period of 12 months, unless otherwise specified in this Title.

Temporary Construction or Sales Office - A facility temporarily used for a period, not to exceed 12 months, as a construction or sales office.

Temporary Seasonal Use - Activities related to specific seasons, holidays, or times of year which are open to the public and exist for a period of time not to exceed that outlined in Section 7-2-20 of the Tooele City Code.

Temporary Use - Activities which are open to the public and exist for a period of time not to exceed that outlined in Section 7-2-20 of the Tooele City Code.

Theater, Indoor - A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.

Theater, Outdoor - A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

Tobacco Product or Tobacco-related Product - Inclusive of the following:

(1) any cigar, cigarette, or electronic cigarette as defined in U.C.A. §76-10-101, including the component parts of and ingredients to electronic cigarettes;

(2) a tobacco product as defined in U.C.A. §59-14-102, including:

(a) chewing tobacco; and,

(b) any substitute for a tobacco product, including flavoring or additives to tobacco; and,

(3) tobacco paraphernalia as defined in U.C.A. §76-10-104.1.

Tobacco Specialty Store or Retail Tobacco Specialty Business - An establishment in which:

(1) the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment;

(2) 20% or more of the public retail floor space is allocated to the offer, display or storage of tobacco products;

(3) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or,

(4) the retail space features a self-service display for tobacco products.

Underlying Zoning District - See Base Zoning District. Use - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Utilities, Private - Includes power, telephone, natural gas, cable television and private water supply service.

Utility Company, Public - Any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, steam, telephone, transportation, water, or sewer service.

Utility Service Facility (major) - Any electric transmission lines (greater than 115,000 volts), power plants, or substations of electric utilities; gas regulator stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities

Utility Service Facility (minor) - Any electrical distribution lines, natural gas distribution lines, cable television lines, telegraph and telephone lines, and gathering lines, or other minor service facilities. No buildings are allowed and the use is limited to the following sizes:

(1) gas lines less than 12 inches; and

(2) electric lines of less than 115,000 volts.

Vehicle Storage - Public or private storage yard for the temporary storage of automobiles. This use is intended for the storage of automobiles, recreational vehicles, and trailers in a manner similar to or in combination with a Personal Storage Facility where no part extraction from the vehicles stored is permitted. Vehicle storage shall not include the storage of an individual vehicle on the residential property of owner of the vehicle that is incidental to the residential use of the property.

Veterinary Clinic/Animal Hospital - A facility for the diagnosis, treatment, hospitalization, and boarding of animals, which does not include outdoor holding facilities.

Warehouse - A building used primarily for the inside storage of nonhazardous goods and materials and including accessory office facilities.

Zoning District - A mapped area to which a uniform set of regulations applies, and which are designed to implement the goals and policies of the Tooele City General Plan.

(Ord. 2025-22, 07-16-2025) (Ord. 2025-07, 04-02-2025) (Ord. 2024-04, 03-06-2024) (Ord. 2024-03, 02-21-2024) (Ord. 2022-40, 12-21-2022) (Ord. 2022-21, 07-06-2022) (Ord. 2020-46, 11-04-2020) (Ord. 2020-42, 10-07-2020) (Ord. 2019-29, 12-04-2019) (Ord. 2019-27, 10-02-2019) (Ord. 2019-13, 08-21-2019)

(Ord. 2019-08, 03-20-2019) (Ord. 2018-24, 12-05-2018) (Ord 2018-08, 09-05-2018) (Ord. 2017-14, 06-07-17) (Ord. 2016-17, 11-02-2016) (2015-25, 12-16-2015) (Ord. 2013-17, 02-05-2014)

7-1-6. Enforcement.

(1) (a) Tooele City or any owner of real estate within the city in which violations of this Title occur or are about to occur may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or,

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) Tooele City need only establish the violation to obtain the injunction.

(2) (a) Tooele City may enforce this Title by withholding building permits.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within Tooele City without approval of a building permit.

(c) Tooele City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) The city engineer or the engineer's designee is authorized as the enforcing officer for this Title. The enforcing officer shall enforce all provisions of this Title, entering actions in court if necessary, but the failure to do so shall not legalize any violation of this Title.

(Ord. 1991-08, 12-12-1991)

7-1-7. Violations.

(1) Civil. Unless otherwise provided, a violation of this Title is a civil infraction, punishable as follows:

(a) first violation: $50 fine;

(b) second violation: $200 fine;

(c) third and subsequent violations: $500 fine

(2) Criminal. In addition to the civil penalties provided in this Section, and unless otherwise provided, a violation of this Title may be charged and prosecuted as a criminal infraction.

(Ord. 2024-23, 08-21-2024) (Ord. 2019-08, 03-20-2019) (Ord. 1991-08, 12-12-1991)

7-1-8. Construction.

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

(2) The singular number shall include the plural and the plural the singular.

(3) "Used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied.

(4) "Shall" is mandatory and not directory. The word "may" is permissive.

(5) "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(6) "Lot" includes the words plot or parcel.

(7) Words used in this Title but not defined herein shall have the same meaning as defined in any other ordinance adopted by Tooele City, or as defined in Black's Law Dictionary, current edition.

(Ord. 1992-26, 12-10-1992)

7-1-9. Appeals and Variances.

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

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

(b) appeals from civil citations issued for violations of this Title; and,

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

(2) A person desiring to appeal a zoning decision or civil citation, or apply for a variance from the zoning ordinance shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals and variances are identified in Tooele City Code Chapter 1-28 for appeals and Chapter 2-4 for variances.

(Ord. 2024-23, 08-21-2024) (Ord. 2019-08, 03-20-2019) (Ord. 2016-15, 10-19-2016) (Ord. 2006-24, 11-15-2006) (Ord. 1994-56, 01-31-1995)

CHAPTER 1A. AMENDMENTS TO THE TOOELE CITY GENERAL PLAN ZONING ORDINANCE, AND ZONING DISTRICTS MAP.

7-1A-1. Amendments to Tooele City General Plan; General Requirements.
7-1A-2. Procedures for Amending the Tooele City General Plan Text and Maps.
7-1A-3. Criteria for Approval of General Plan Text and Map Amendment.
7-1A-4. Effect of a Tooele City General Plan Amendment.
7-1A-5 Amendments to the Tooele City Zoning Ordinance and Zoning Districts Map; General Requirements.
7-1A-6. Procedures for Amending the Tooele City Zoning Ordinance and Zoning Districts Map.
7-1A-7. Criteria for Approval.
7-1A-8. Effect of a Tooele City Zoning Ordinance and Zoning Districts Map Amendment.

7-1A-1. Amendments to Tooele City General Plan; General Requirements.

(1) A proposed amendment to the Tooele City General Plan may be initiated by any person owning property in the City, any person residing in the City, any business owner doing business in the City, the Tooele City Planning Commission, the Tooele City Council, the Tooele City Mayor and City Staff by filing an application for a General Plan amendment.

(2) If such amendment is approved pursuant to the provisions of this Ordinance, the applicant may then proceed to file an application for development approval authorizing such development if such development is consistent with the approved General Plan amendment(s) as approved by the City Council.

(3) Submission. An application for an amendment to the Tooele City General Plan or General Plan Land Use Map may be filed with the City on the applicable application form. Except on a motion duly passed by the City Council, identifying a valid public purpose and reasons to act immediately, an application for a General Plan amendment shall be submitted to the City at least 45 days prior to the first meeting in April, August, or December of the Planning Commission.
(Ord. 2016-15, 10-19-2016) (Ord. 1998-18, 07-15-1998)

7-1A-2. Procedures for Amending the Tooele City General Plan Text and Maps.

(1) The City Staff shall prepare a report at least 21days prior to the meeting with the Planning Commission indicating whether the proposed amendment is consistent with the elements of the General Plan, the effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the Tooele City Zoning Ordinance required to implement the proposed amendment.

(2) Prior to recommending the adoption, rejection, or revision of any General Plan amendment, the Planning Commission shall hold a public hearing in accordance with the requirements of this Ordinance and the Utah Code, as amended.

(3) After the Planning Commission has reviewed the application and made its recommendation, the City Staff shall submit a copy of the General Plan amendment as submitted to the Planning Commission, the report of the City Staff, and the recommendation of the Planning commission, by way of the minutes and all materials of the proceedings before the Planning Commission, to the City Council. Upon receipt of the materials required in this subsection, the City Council shall schedule a public hearing to consider the proposed General Plan amendment, the recommendation of the Planning Commission, and other submitted materials, pursuant to the requirements established by this Ordinance and the Utah Code, as amended. The City Council shall approve the proposed amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. The City Council may approve a General Plan amendment only upon the affirmative vote of a majority of its total membership. If the City Council approves the proposed amendment as submitted or as revised, the City Council shall adopt the General Plan amendment by ordinance.
(Ord. 1998-18, 07-15-1998)

7-1A-3. Criteria for Approval of General Plan Text and Map Amendment.

(1) In considering a proposed amendment to the Tooele City General Plan, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:

(a) The effect of the proposed amendment on the character of the surrounding area;

(b) Consistency with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;

(c) Consistency and compatibility with the existing uses of adjacent and nearby properties;

(d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;

(e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and

(f) The overall community benefit of the proposed amendment.
(Ord. 1998-18, 07-15-1998)

7-1A-4. Effect of a Tooele City General Plan Amendment.

From and after the effective date of a General Plan amendment, as approved by the City Council, no amendments shall be made to the Tooele City Zoning Ordinance, nor shall any development permit be approved or approved with conditions, unless such amendments, approvals, and conditions are consistent with the adopted General Plan or element, as amended. A General Plan amendment shall not authorize the development of land or be deemed to give rise to vested rights in the development of land. After a General Plan amendment has been approved by the City Council, no development shall occur until the required development approvals have been obtained from, and permits issued by, the City pursuant to the Tooele City Code and Utah Code, as amended.
(Ord. 1998-18, 07-15-1998)

7-1A-5. Amendments to the Tooele City Zoning Ordinance and Zoning Districts Map; General Requirements.

(1) The text of the Tooele City Zoning Ordinance and the Tooele City Zoning Districts Map may be amended, consistent with the adopted Tooele City General Plan.

(2) A proposed amendment to the Tooele City Zoning Ordinance or Zoning Districts Map may be initiated by any person owning property in the City, any person residing in the City, any business owner doing business in the City, the Tooele City Planning Commission, the Tooele City Council, or the Tooele City Mayor and City Staff by filing an application for a Zoning Ordinance / Zoning Districts Map amendment.

(3) If such amendment is approved pursuant to the provisions of this Ordinance, the applicant may then proceed to file an application for development approval authorizing such development if such development is consistent with the adopted General Plan and approved Zoning Ordinance or Zoning Districts Map amendment as approved by the City Council.

(4) Submission. An application for an amendment to the Tooele City Zoning Ordinance or Zoning Districts Map may be filed with the City on the applicable application form. Except on a motion duly passed by the City Council, identifying a valid public purpose and reasons to act immediately, an application for a Zoning Ordinance or Zoning Districts May amendment shall be submitted to the City at least 45 days prior to the first meeting in April, August, or December of the Planning Commission.
(Ord. 2016-15, 10-19-2016) (Ord. 1998-18, 07-15-1998)

7-1A-6. Procedures for Amending the Tooele City Zoning Ordinance and Zoning Districts Map.

(1) The City Staff shall prepare a report at least 21 days prior to the meeting with the Planning Commission indicating whether the proposed Zoning Ordinance or Zoning Districts Map amendment is consistent with the Tooele City General Plan and listing any revisions to the Tooele City Zoning Ordinance necessary to implement the proposed amendment.

(2) Prior to recommending the adoption, rejection, or revision of any Zoning Ordinance or Zoning Districts Map amendment, the Planning Commission shall hold a public hearing in accordance with the requirements of this Ordinance and the Utah Code, as amended.

(3) After the Planning Commission has reviewed the application and made its recommendation, the City Staff shall submit a copy of the Zoning Ordinance or Zoning Districts Map amendment as submitted to the Planning Commission, the report of the city Staff, and the recommendation of the Planning Commission, by way of the minutes and all materials of the proceedings before the Planning Commission, to the City Council. Upon receipt of the materials required in this subsection, the City Council shall schedule a public hearing to consider the proposed Zoning Ordinance or Zoning Districts Map amendment, the recommendation of the Planning Commission, and other submitted materials, pursuant to the requirements established by this Ordinance and the Utah Code, as amended. The City Council shall approve the proposed amendment, revise the proposed amendment and approve the proposed amendment as revised, or reject the proposed amendment. The City Council may approve a Zoning Ordinance or Zoning Districts Map amendment only upon the affirmative vote of a majority of its total membership. If the City Council approves the proposed amendment as submitted or as revised, the City Council shall adopt the Zoning Ordinance or Zoning Districts Map amendment by ordinance.

(4) The Planning Commission may recommend, and the City Council may attach, such conditions to the approval of an application for a Zoning Ordinance or Zoning Districts Map amendment necessary to implement the Tooele City General Plan. All such conditions shall be expressly stated in the approving ordinance and in the minutes of the City Council meeting in which such ordinance was approved.
(Ord. 1998-18, 07-15-1998)

7-1A-7. Criteria for Approval.

(1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:

(a) The effect of the proposed amendment on

the character of the surrounding area.

(b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.

(c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.

(d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.

(e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.

(f) The overall community benefit of the proposed amendment.
(Ord. 1998-18, 07-15-1998)

7-1A-8. Effect of a Tooele City Zoning Ordinance and Zoning Districts Map Amendment.

An amendment to the Tooele City Zoning Ordinance and Zoning Districts Map shall not authorize the development of land or be deemed to give rise to vested rights in the development of land. After an amendment has been approved by the City Council, no development shall occur until the required development approvals have been obtained from, and permits issued by, the City pursuant to the Tooele City Code and Utah Code, as amended.
(Ord. 1998-18, 07-15-19

CHAPTER 2. SUPPLEMENTARY AND QUALIFYING REGULATIONS

7-2-1. Effect of chapter.
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7-2-19. Home occupations.
7-2-20. Temporary Uses and Temporary Seasonal Uses.

7-2-1. Effect of chapter.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Title.
(Ord. 1983-05, 04-20-1983)

7-2-2. Lot standards.

Except for planned unit developments and high-density single-family developments, or as otherwise provided in this Title, every lot or parcel of record, existing or intended to be created, shall have such area, width, and depth as is required by this Title for the district in which such lot or parcel of record is located and shall have frontage upon a dedicated street or upon a private street. These requirements shall be satisfied before any building permit is issued. Except in M-U, RR-1, and RR-5 districts, no lot or parcel of record shall be created which is more than three times as long as it is wide; however, the Planning Commission may waive this restriction at a public meeting upon a showing of unusual circumstances. Lots or parcels of record with frontage on private streets shall be allowed only by conditional use permit or planned unit development procedure, and shall be subject to all applicable requirements of this Title.
(Ord. 2013-16, 11-06-2013) (Ord. 1996-17, 06-19-1996) (Ord. 1983-05, 04-20-1983)

7-2-2.1. Historic plats.

For purposes of this Title, the parcels of land shown in the historic Plats “A”, “B”, and “C” of Tooele City shall not be considered lots and shall be considered parcels of record unless otherwise included within a subdivision plat.
(Ord. 2013-16, 11-06-2013)

7-2-3. Every dwelling to be on a lot - Exceptions.

Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot or parcel of record having no less than the minimum area, width, depth and frontage required by this Title for the district where located, except that dwelling groups, condominiums and other multi-structure dwelling complexes with single ownership and management, permitted by this Title and having Planning Commission approval, may occupy one lot or parcel of record for each such multi-structure.
(Ord. 2013-16, 11-06-2013) (Ord. 1983-05, 04-20-1983)

7-2-4. Sale or lease of required space.

No space required by the provisions of this Title including side-yards, rear yards, coverage, etc. for a particular lot or building may be sold or leased away from such lot or building so as to defeat the provisions of this Title.
(Ord. 1983-05, 04-20-1983)

7-2-5. Sale of lots below minimum space requirements.

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, for building or development as a lot.
(Ord. 1983-05, 04-20-1983)

7-2-6. 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, chimneys, flues, and other ornamental building features which project into a yard not more than two and one-half (2-1/2) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

Apparatus necessary to retrofit a dwelling for the operation of active and passive solar systems (as defined by the Utah State Energy Office) shall be allowed to project into a required yard a maximum of twenty percent (20%) of the required set-back from the property line. For purposes of this Section, "required set-back" is defined as that set-back allowed for the particular piece of property on which the dwelling in question has its situs.

(Ord. 1983-05, 04-20-1983)

7-2-7. Repealed.
(Ord. 2012-04, 02-15-2012).

7-2-8. Additional height allowed.

(1) Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limited by a conditional use permit but maximum height shall not exceed 35 feet.

(2) Churches and religious worship facilities, as defined in the Religious Land Use and Institutionalized Persons Act (RLUIPA) and the Utah Religious Land Use Act (URLUA), in residential zoning districts that have more than 50,000 square feet of usable floor area may be erected to a height greater than the district height limit but shall not exceed 75 feet in height for the occupiable spaces, subject to Section 7-2-9.
(Ord. 2021-05, 02-17-2021) (Ord. 1983-05, 04-20-1983)

7-2-9. Exceptions to height limitations.

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, radio or television masts, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.
(Ord. 1983-05, 04-20-1983)

7-2-10. Minimum height of main buildings.

No dwelling shall be erected to a height less than one (1) story above grade.
(Ord. 1983-05, 04-20-1983)

7-2-11. Clear vision area at intersecting streets.

In all districts requiring a front yard, no view-obstructing object in excess of three (3) 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 back of curb lines. However, a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers, pedestal-type identification signs, and pumps at gasoline service stations may be allowed in such areas.
(Ord. 2000-18, 08-16-2000); (Ord. 1993-17, 11-11-1993)

7-2-12. Fences, walls and hedges.

(1) Fences, walls and hedges may be allowed to permitted heights within buildable areas. Any fence or wall over six feet high requires a building permit. Any retaining wall over one foot high requires a building permit.

(2) In required front yards and except that area described in Section 7-2-11, view-obscuring fences, walls and hedges shall not exceed three feet in height. Non-view-obscuring fences, walls or hedges in front yards shall not be more than four feet high.

(3) Fences, walls or hedges shall not exceed eight feet in height in a required rear yard or interior side yard, except that on a corner lot the fence, wall or hedge shall be not more than six feet high in the rear yard area adjacent to a public street, and in the rear yard area abutting a required front yard area of an adjoining lot. Also, that fence, wall or hedge abutting the street and the adjoining lot's front yard area shall not be view-obscuring if the adjoining lot has a driveway closer than six feet to the rear yard of the subject lot.

(4) A fence, wall or hedge not more than six feet high may be allowed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the required front yard area, does not extend into the clear vision area of a corner lot as defined by Section 7-2-11, and is not a sight distance hazard to vehicular or pedestrian traffic as determined by the building inspector.

(5) In residential districts where rear yards and side yards abut arterial and major collector streets, fences, walls and hedges may be eight feet high adjacent to such arterial or major collector street, subject to the clear view requirements of Section 7-2-11 at intersections.

(6) Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

(7) "View-obscuring" means preventing the full view of property on one side of the fence, wall, or hedge by a viewer standing on the other side.

(8) It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence, razor wire fence, or electric fence along or adjacent to any street or as a division fence between adjoining lots or parcels of land, either of which is occupied as a place of residence. Any such fence so erected or maintained is hereby declared to be a nuisance, and any person so erecting or maintaining such a nuisance shall be deemed guilty of a class C misdemeanor.
(Ord. 1993-17, 11-11-1993)

7-2-13. Tennis Courts.

Notwithstanding other provisions of the city code:

(1) A private outside tennis court may be constructed as an accessory use to a principal building within the side or rear yard thereof, provided that it is set back from the side and rear lot lines not less than four feet and not less then 30 feet from any neighbor's dwelling. Where an adjacent lot is vacant, a tennis court

must be located at least 15 feet from any side lot line of such adjacent lot.

(2) When not located on a property line, fences used for tennis court enclosures may be erected to a height greater than eight feet, but shall not exceed a height of 18 feet.

(3) Lights for tennis courts shall be directed onto the court and away from adjoining properties.
(Ord. 1994-23, 05-17-1994)

7-2-14. Repealed. (Ord. 1987-16, 11-05-1987)

7-2-15. Lots in two districts.

Where a district boundary line is established by this Title, or shown on the zoning map, divides a lot which is in single ownership and of record, the use in the other district requirements applying to the least restrictive portion of said lot shall be considered to extend to the entire lot, provided the more restricted portion of such lot is entirely within thirty (30) feet of said dividing district boundary line. The use so extending shall be deemed to be conforming.
(Ord. 1983-05, 04-20-1983)

7-2-16. Lots in business, commercial or industrial districts adjacent to residential zones.

Where a lot in any business, commercial or industrial district abuts a lot in any residential district, there shall be provided along such abutting line a landscaped side yard. The size to be determined by the Planning Commission. Also, a privacy fence may be required on any lot which abuts a residential district.
(Ord. 1983-05, 04-20-1983)

7-2-17. Transition zones.

(1) Where the frontage on one side of a street between two intersecting streets is owned partially as residential and partially as business, commercial or industrial, or where any part of the street is so zoned as to require a front yard, a front yard shall be required for the entire block frontage equal to that required for the most restricted portion of the block.

(2) On any corner lot in a residential district, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said street, except that upon any corner lot under separate ownership which is less than sixty (60) feet wide, this provision may be waived allowing a residence to be erected to within twelve (12) feet of the side yard. The side street shall be held to be on that side of the corner lot having the greater length. When a dwelling is erected to within twelve (12) feet of the side yard in this manner, it must maintain a twenty-five (25) foot rear yard, regardless of the location of the garage, or accessory building.
(Ord. 1983-05, 04-20-1983)

7-2-18. Public utilities in residential districts.

Where not otherwise authorized by this Title, the Planning Commission, if it determines that the best interests of the community will be served thereby, may permit as a conditional use the use of land in a residentially zoned district for a public utility building, electrical substation, radio or television relay station, including necessary tower, and other similar public utilities, provided that in all such cases:

(1) From the evidence presented, the Planning Commission finds that it is essential in order to provide the area with adequate electrical, gas, telephone, television or radio service.

(2) It shall determine that due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the City.

(3) All structures on the premises are designed to conform to the residential character of the districts.

(4) All yard spaces as required for the permitted use in the district are provided.

(5) Adequate screening is provided for proper landscaping and fencing where the facility is not within a building.

(6) Such other conditions are met as may be deemed necessary by the Planning Commission to protect the character of the residential district.

Nothing in this section shall be interpreted as giving the Planning Commission the authority to permit a privately owned or operated commercial radio or television tower or station in any residential district.
(Ord. 1983-05, 04-20-1983)

7-2-19. Home occupations.

Home occupations are permitted upon compliance with the following:

(1) shall be carried on entirely within the dwelling unit or accessory building on the premises;

(2) shall not include the outside storage of goods, materials, or equipment;

(3) shall not involve any use of any outside yard area about the premises whereupon the dwelling unit or accessory building is located, except for customer parking and except for fenced outdoor areas associated with a home occupation day care;

(4) shall be customarily incidental to the use of the dwelling for dwelling purposes;

(5) shall not change the primary character and use of the dwelling unit as a dwelling;

(6) shall be carried on only by persons residing in the dwelling unit;

(7) shall have no employees or assistants other than members of the immediate family, and only if such family members reside in the dwelling unit, except as otherwise permitted by this Chapter;

(8) reasonable inventory related to the Home Occupation shall be allowed so long as such inventory is stored entirely within the dwelling unit or accessory

building on the premises;

(9) shall not create a nuisance;

(10) shall specifically exclude: vehicle repair work, body and fender work, firewood sales, commercial stables, kennels, livestock, auctions, restaurants, nursing homes, funeral houses, and welding;

(11) shall not display signs;

(12) shall comply with all Federal, State, and local license and permit requirements;

(13) nothing contained in this section shall be construed to supersede or otherwise render inoperative the provisions of the Tooele City Code concerning business licenses;

(14) Child day care and preschool home occupations:

(a) shall be permitted one non-residential employee at the home;

(b) child care and preschool home occupations involving 7 children or less shall be permitted;

(c) child care and preschool home occupations involving 8 to 16 children shall require a Conditional Use Permit and shall adhere to the following guidelines:

(i) a traffic & parking plan shall be submitted, reviewed by the Planning Department and includes acceptable traffic flow, drop-off and turnaround areas;

(ii) child preschools shall not include more than two sessions per day;

(iii) No child day care or preschool requiring a conditional use permit shall be established within 300 feet from property line to property line of another properly licensed child day care or preschool.

(iv) the total number of students/children shall include the licensee's and any employee's children if they are under the care of the licensee at the time the home occupation is conducted.

(15) Musical instrument instruction and practice home occupations:

(a) involving 7 students or less at one time shall be permitted;

(b) involving 8 to 16 students at one time shall require a conditional use permit and shall adhere to the following guidelines:

(i) a traffic and parking plan shall be submitted, reviewed by the Planning Department, and include acceptable traffic flow, drop-off, and turnaround areas;

(ii) no musical instrument instruction and practice home occupation requiring a conditional use permit shall be established within 300 feet from property line to property line of another similar home occupation;

(iii) no artificial or electrical amplification of musical instruments shall be allowed; and,

(iv) shall be subject to noise control laws and ordinances.

(c) involving more than 16 students at one time are prohibited.

(Ord. 2022-04, 03-02-2022) (Ord. 2019-27, 10-02-2019) (Ord. 2017-14, 06-07-2017) (Ord. 1987-24, 01-02-1988) (Ord. 1983-05, 04-20-1983)

7-2-20. Temporary Uses and Temporary Seasonal Uses.

(1) Temporary Uses. Temporary uses shall occur over a period not to exceed 40 days in any calendar year including uses incidental to set up and take down of the temporary use.

(2) Temporary Seasonal Uses. Temporary seasonal uses, as permitted in this Title, shall not exceed the time limits listed herein, or 120 calendar days, whichever is shorter.

(a) Permitted Temporary Seasonal Uses. Where temporary seasonal uses are identified in this Title as permitted, the following shall be permitted uses. Where temporary seasonal uses are identified in this Title as conditional, the following shall be conditional uses permissible only following issuance of a Conditional Use Permit:

(i) Christmas tree lot, not to exceed 45 calendar days;

(ii) Pumpkin patch, not to exceed 45 calendar days;

(iii) Corn maze, not to exceed 45 calendar days;

(iv) Firework sales stand, limited to the period of time as set forth under state law; and,

(v) Agricultural produce stand and open-air farmer's market, located in a non-residential zone, for the sale of agricultural produce, not to exceed the length of the local outdoor growing season.

(b) Conditional Temporary Seasonal Uses. Where temporary seasonal uses are identified in this Title as allowed, the following uses shall be conditional uses allowed only following issuance of a Conditional Use Permit:

(i) Agricultural produce stand and open-air farmer’s market, located in a residential zone, for the sale of agricultural produce, not to exceed the length of the local outdoor growing season; and,

(ii) Other uses determined by the Zoning Administrator to be substantially similar to any of the above.

(3) Exclusive Uses. For the purposes of this Title, temporary uses and temporary seasonal uses shall be mutually exclusive of each other and mutually exclusive of other uses defined within this Title.

(Ord. 2020-46, 11-04-2020) (Ord. 2018-24, 12-05-2018)

CHAPTER 3. NONCONFORMING USES

7-3-1. Nonconforming use defined.
7-3-2. Noncomplying structures.
7-3-3. Maintenance and repair of noncomplying structures.
7-3-4. Restoration of noncomplying structures.
7-3-5. Nonconforming use of land.
7-3-6. Change of use.
7-3-7. Discontinuance of nonconforming uses.
7-3-8. Violations.
7-3-9. Appeals.

7-3-1. Nonconforming Use Defined.

As used in this Title, a nonconforming use is the use of any building, structure, or land which is prohibited by any zoning, building, or other regulatory ordinance, but which lawfully existed prior to the effective date of such ordinance. A noncomplying structure is a structure or building regulated by but not in compliance with uniform building codes, but which was lawfully constructed prior to the effective date of such codes.
(Ord. 2006-25, 01-03-2007); (Ord. 1995-16, 08-19-95)

7-3-2. Noncomplying Structures.

A noncomplying structure, or use thereof, existing at the time this Ordinance became effective, may continue to exist, provided that:

(1) the building or structure is occupied or utilized for at least 30 days in each calendar year;

(2) the floor space of the building or structure is not increased;

(3) no structural alterations are made to the building or structure except as provided by this [zoning] Title; and

(4) any nonconforming use of the building or structure not extend beyond the floor area of the building or structure.
(Ord. 2006-25, 01-03-2007); (Ord. 1995-16, 08-19-95)

7-3-3. Maintenance and Repair of Noncomplying Structures.

A noncomplying structure may be maintained and repaired, subject to the provisions of this Chapter.
(Ord. 2006-25, 01-03-2007); (Ord. 1995-16, 08-19-95)

7-3-4. Restoration of Noncomplying Structures.

(1) Except as provided in subsection (3) below, a noncomplying structure may be reconstructed and restored after the structure has been involuntarily destroyed in whole or in part due to fire or other calamity.

(2) Except as provided in subsection (3), below, a nonconforming use of a noncomplying structure that is involuntarily destroyed in whole or in part due to a fire or other calamity may resume and continue that use upon reconstruction or restoration of the structure.

(3) A noncomplying structure may not be reconstructed or restored, and a nonconforming use of a noncomplying structure may not be resumed or continued, if:

(a) at the time the structure is destroyed in whole or in part, it has been unoccupied or unused for one (1) year pursuant to Section 7-3-7, below;

(b) the structure has been allowed to deteriorate to a condition that the structure is rendered uninhabitable, in the opinion of the Building Official, and is not repaired or restored to a state of habitability within six (6) months, after written notice is mailed to the property owner or posted upon the structure property that the structure is uninhabitable and that the structure or the nonconforming use of the structure will be lost if the structure is not repaired or restored to habitability within six (6) months; or

(c) the property owner has voluntarily demolished a majority of the structure or the building that houses the nonconforming use.
(Ord. 2006-25, 01-03-2007); (Ord. 1995-16, 08-19-95)

7-3-5. Nonconforming Use of Land.

A nonconforming use of land, existing at the time that the land use ordinances applicable to the land changed so as to prohibit the use, may be continued, provided that:

(1) the land is used for such nonconforming use at least 30 days in each calendar year; and,

(2) the nonconforming use is in no way expanded or extended either on the same or on adjoining property.
(Ord. 2012-26, 12-05-12); (Ord. 1995-16, 08-19-95)

7-3-6. Change of Use.

A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use.
(Ord. 1995-16, 08-19-95)

7-3-7. Discontinuance of Nonconforming Uses.

(1) If any noncomplying structure remains unoccupied or unused for the period of one year, or if the noncomplying structure does not satisfy the requirements of this Chapter, any future use of that building shall conform to the provisions of the zone in which the structure is located.

(2) If any nonconforming use of land is discontinued for the period of one year, or if the nonconforming use does not satisfy the requirements of this Chapter, any future use of that land shall conform to the provisions of the zone in which the land is located.

(3) Upon allegation of discontinued occupation or nonconforming use of a noncomplying structure, discontinued use of a nonconforming use of land, or other failure to comply with this Chapter, the owner of the structure or land shall have the burden of establishing compliance with this Chapter.

(Ord. 2006-25, 01-03-2007); (Ord. 1995-16, 08-19-95)

7-3-8. Violations.

(1) Civil. Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as follows:

(a) first violation: $100 fine;

(b) second violation: $250 fine;

(c) third and subsequent violations: $500 fine.

(2) Criminal. In addition to the civil penalties provided in this Section, a violation of this Chapter may be charged and prosecuted as a class C misdemeanor.

(Ord. 2024-23, 08-21-2024)

7-3-9. Appeals.

(1) The administrative hearing officer shall hear and decide appeals from civil citations issued for violations of this Chapter.

(2) A person desiring to appeal a civil citation shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder, who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals are identified in Tooele City Code Chapter 1-28.

(Ord. 2024-23, 08-21-2024)

CHAPTER 4. OFF-STREET PARKING REQUIREMENTS

7-4-1. Purpose and Scope.
7-4-2. Parking to be Provided.
7-4-3. Parking Calculation.
7-4-4. Number of Parking Spaces.
7-4-5. Parking Calculation Ranges.
7-4-6. Parking Studies
7-4-7. Parking Location.
7-4-8. Access Requirements.
7-4-9. Parking Lots.
7-4-10. Parking Dimensions.
7-4-11. Public Safety Aisles.

7-4-1 Purpose and Scope.

(1) Purpose. The purpose of this Chapter is to ensure the provision and maintenance of off-street parking and loading facilities in proportion to the parking and loading demand of the associated land uses. The requirements of this Chapter are intended to provide functional, efficient and attractive parking and loading facilities, to protect public safety, and to mitigate adverse land use impacts.

(2) Scope. This Chapter is applicable to all new and existing development requiring vehicular access under the provisions of this Title. The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Tooele City Code, or other laws.
(Ord. 2019-12, 05-15-2019)

7-4-2 Parking to be Provided.

(1) Parking Required. Every land use established under the authority of this Title shall provide parking as required by this Chapter. Each person who establishes any such land use shall provide the required parking. The establishment of a land use shall include any change in use and any increase in the capacity or intensity of an existing use.

(2) Continual Obligation to Provide Parking. Provision of parking as required by this Chapter shall be a continual obligation so long as the associated use exists, including during times of vacancy. It shall be unlawful for any property owner, land use operator, or person responsible for providing parking to discontinue or dispense with required parking facilities without providing alternate parking which meets the requirements of this Chapter.

(3) Alteration Where Parking Insufficient. A building, structure, or use which lacks sufficient parking as required by this Chapter may not be altered, enlarged, or changed in a manner that affects their parking calculation unless additional parking for the alteration, enlargement, or change is supplied that meets the requirements of this Chapter.
(Ord. 2019-12, 05-15-2019)

7-4-3. Parking Calculation.

The following provisions shall be used to calculate the total number of parking spaces required by this chapter:

(1) Fractional Numbers. Any fractional parking space requirement resulting from a parking calculation shall be rounded up to the next whole number, subject to Section 7-4-5(2) of this Chapter.

(2) More Than One Use on Lot. If a lot or parcel contains more than one use, parking spaces shall be provided in an amount equal to the total of the requirements for each use unless shared parking is approved pursuant to this Chapter.

(3) Square Foot Basis. Parking requirements based on square footage shall be calculated using gross floor area unless otherwise provided in this Chapter.

(4) Employee Basis. Parking requirements based on the number of employees shall be calculated using the largest number of persons working on any shift, including owners and managers.

(5) Capacity Basis. Parking requirements based on the number of seats, beds, or other capacity determinations shall be calculated using the maximum capacity for those units of measure.

(6) Director Determinations. If a use listed in Table 7-4-1 identifies the calculation of its parking requirement to be a determination of the Director, or for a use not otherwise listed in Table 7-4-1, the Director of the Community Development Department shall determine the appropriate parking calculation by:

(a) first, applying the parking requirements for a use deemed most similar to the use proposed; or then

(b) second, applying an established standard specific to that use from a professional publication such as the Institute of Traffic Engineers; or then

(c) third, requiring a parking study be provided by the applicant to provide guidance for the Director to determine the appropriate parking calculation requirement. The Director shall not be under any obligation or requirement to agree or follow the recommendations of the submitted parking study.

(7) ADA-Accessible Parking Spaces. Parking spaces compliant with ADA regulations shall be provided as required by the current building codes adopted by the City and any other standards officially adopted by the City. Accessible spaces shall be counted towards the fulfillment of the on-site parking requirement for each use.

(8) Parking Space Calculations. Standard parking spaces shall be provided as set forth in Section 7-4-4. Formulas and calculations shown in that Section represent both the maximum and minimum parking requirements subject to the provisions of Section 7-4-5. Uses and terms listed in Section 7-4-4 shall have no effect on the permissibility or definition of uses.
(Ord. 2019-12, 05-15-2019)

7-4-4. Number of Parking Spaces.

The number of required off-street parking spaces

shall be calculated according to Table 7-4-1, subject to Section 7-4-5 herein. (Ord. 2019-12, 05-15-2019)

Table 7-4-1 – Parking Space Requirement Calculations.

Land Use		Parking Requirement
Accessory Uses		As determined by the Director
Auditoriums		1 space for every 3 seats
Bar, Tavern, and Private Club		1 space for every 3 seats or 1 space per 100 square feet of floor area (excluding kitchen, storage, etc.) whichever is more
Beauty Shop	First patron station	2 spaces
	Each additional station (excluding wash stations)	1 space
Churches and Places of Worship		1 space for every 3 seats in the primary assembly area
Commercial Center		1 space per 300 square feet
Commercial Day Care / Pre-School Center		1 space for every employee, plus 4 visitor spaces[1]
Convalescent Care Facility		1 space for every 4 patient beds, plus 1 space per employee
Dwelling[2]	Single-Family	2 spaces per dwelling unit
	Two-Family	2 spaces per dwelling unit
Dwelling, Multi-Family[2,4]	Apartments	2 spaces per dwelling unit
	Townhouse/Condominium	2 spaces per dwelling unit
Dwelling, Visitor Parking[3]		1 space for every 3 dwelling units
Educational Facility	Public Use	As determined by the Director
	Private Use	As determined by the Director
Funeral Homes and Mortuaries		1 space for every 3 seats
Health Care Facility		1 space for every 2 patient beds, plus 1 parking space for each employee
Health Care Provider		3 spaces for each doctor, dentist, therapist, or other provider, plus 1 space for each employee
Hotel		1 space for each living or sleeping unit, plus 1 space for each employee
Industrial Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Manufacturing Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Motel		1 space for every living or sleeping unit, plus 1 space per employee
Nursing homes		1 space for every 4 patient beds, plus 1 space per employee
Office	Business	1 space per 200 square feet
	Professional	1 space per 200 square feet
Personal Services		1 space per 300 square feet
Public Use		As determined by the Director
Residential Facility for Elderly Persons	Bedroom for 1 or 2 Persons	1 space per bedroom, plus 1 space per employee
	Bedroom for 3 or 4 Persons	2 space per bedroom, plus 1 space per employee

Land Use		Parking Requirement
Residential Facility for Persons with a Disability	Bedroom for 1 or 2 Persons	1 space per bedroom, plus 1 space per employee
	Bedroom for 3 or 4 Persons	2 space per bedroom, plus 1 space per employee
Restaurant		1 space for every 3 seats or 1 space per 100 square feet of floor area (excluding kitchen, storage, etc.) whichever is more
Retail	General	1 space per 300 square feet
	Appliance Stores	1 space per 600 square feet
	Furniture Stores	1 space per 600 square feet
Sports Arenas		1 space for every 3 seats
Theaters, Assembly Halls and Meeting Rooms		1 space for every 3 seats
Uses not listed		As determined by the Director
Warehouse Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces
Wholesale Uses		1 space per employee, adequate spaces for company owned vehicles, plus 4 visitor spaces

1 With adequate drop off and pick up areas as determined by the Director.
2 As specified in Sections 7-11a-13 and 7-11a-13.1 and Table 7-11a-13.1 of this Title.
3 In developments of three-family, four-family, or multi-family dwelling units.
4 For Multi-Family Dwelling Units Directly Associated with Residential Support Programs See Section 7-11a-2.
(Ord. 2025-14, 05-21-2025) (Ord. 2022-31, 08-17-2022) (Ord. 2021-35, 09-15-2021) (Ord. 2019-12, 05-15-2019)

7-4-5 Parking Calculation Ranges.

(1) Purpose of Parking Calculation Ranges. The number of parking spaces required under Section 7-4-4 may be adjusted in accordance with the provisions in this section. The purpose of adjustments is to provide flexibility to those requirements in recognition that many factors can be unique to various potential uses of land in the city, to adapt to specific circumstances, reduce potential environmental impacts, and conserve resources.

(2) Natural Adjustment Range. Where permitted, a Natural Adjustment Range allows for parking to be freely modified to increase or decrease the amount of parking spaces provided without necessity of requesting a formal modification as outlined in this Section. The calculation of the Natural Adjustment Range shall be based on the true calculation from Table 7-4-1 without rounding allowed under Section 7-4-3(1) of this Chapter. In all situations where the Natural Adjustment Range results in a partial or fractional parking requirement, the requirement shall be rounded up to the next whole number.

(a) Residential Uses.

(i) Single-Family and Two-Family Residential Uses. No Natural Adjustment shall be allowed and the parking calculations established in Table 7-4-1 shall represent the minimum requirements.

(ii) Multi-Family Residential Uses. Multi-family residential developments where the parking calculations established in Table 7-4-1 result in a requirement of 100 parking spaces or less, exclusive of required visitor parking, shall have no Natural Adjustment allowed and the parking calculations established in Table 7-4-1 shall represent the minimum requirements. Multi-family residential developments where the parking calculations established in Table 7-4-1 result in a requirement of 101 parking spaces or more, exclusive of required visitor parking, may apply a maximum 8% Natural Adjustment Range.

(iii) Visitor Parking. Visitor parking calculations shall not be eligible for Natural Adjustment and the calculations established in Table 7-4-1 shall represent the minimum requirements.

(b) Non-Residential Uses. The parking requirement calculations from Table 7-4-1 shall represent both the minimum and maximum parking requirement. Non-residential developments may apply a maximum 15% Natural Adjustment Range.

(3) Deviations Beyond the Natural Adjustment Range. In cases where parking in amounts beyond the allowances of the Natural Adjustment Range may be appropriate, the Planning Commission may approve a request for a modification, by way of a parking study, to increase or reduce parking requirements based on findings found in Subsection (4) by not more than an additional 10% of the calculation from Section 7-4-4.
(Ord. 2019-12, 05-15-2019)

7-4-6. Parking Studies.

In any instance where a parking study is required, a parking study shall be prepared and submitted by the applicant for review. Parking studies shall be prepared by a professional engineer licensed to work in the State of Utah and reviewed as a part of the land use application.

(1) The study shall provide:

(a) planning and traffic engineering data, including estimates of parking demand based on the most current recommendations from the Institute of Transportation Engineers;

(b) data collected from uses or combinations of uses that are the same or highly comparable to the proposed application as indicated and justified by density, scale, bulk, area, type of activity, and location;

(c) the source of data used to develop the study's recommendations;

(d) a recommendation for parking requirement standard or calculations applicable to the site for which the study is being prepared based on site specific factors, data, circumstances, and conditions compared against study-collected data; and

(e) the name and qualifications of the person(s) preparing the study.

(2) City staff shall review the study and make a recommendation to the Planning Commission concerning the validity of the parking study, the appropriateness of the conclusions reached, and the appropriate standard and minimum number of parking spaces that should be required.

(3) The Planning Commission shall determine the appropriate standard and required minimum number of parking spaces required after:

(a) considering the recommendations of the parking study and City staff; and

(b) making the findings required under Subsection (3)(d), according to the type of application.

(4) Findings Required. The Planning Commission may approve a deviation from strict compliance for the number of parking spaces required or the standard of calculation to be used only after making the findings of this subsection.

(a) For commercial, retail, office, and mixed-use developments, the Planning Commission must find that:

(i) adequate parking will be provided;

(ii) the total number of spaces that would otherwise be required for each individual establishment in the development is overly burdensome or underestimates the actual parking needed for the site specific factors of the application;

(iii) the estimated trade-offs between businesses which are open when others are closed will not over burden the parking proposed;

(iv) there is an adequate availability of shared parking for all associated uses;

(v) site- or use-specific conditions or factors do not provide for compliance with the parking calculation used or parking requirements outlined in Section 7-4-4;

(vi) any potential for future expansion or addition to the development will have or will provide adequate parking for that expansion or addition; and

(vii) ADA-compliant parking requirements are not proposed for adjustment; or

(b) For multi-family developments, the Planning Commission must find that:

(i) adequate parking will be provided;

(ii) the size of housing units, considered by the number of bedrooms and required visitor parking, does not support or necessitates more than the calculated parking requirements of this Chapter;

(iii) the size of project does not reflect the calculated parking requirements of this Chapter, necessitating more or fewer spaces;

(iv) the specific parking proposed to be dedicated for use by visitors is appropriate;

(v) any potential for future expansion or addition to the development will have or will provide adequate parking for that expansion or addition;

(vi) ADA-compliant parking requirements are not proposed for adjustment; and

(vii) restrictive covenants specific to the development make provisions to control parking such that parking for the development will not impact neighboring properties or public rights-of-way.

(Ord. 2019-12, 05-15-2019)

7-4-7. Parking Location.

(1) On-Site Parking. Except as allowed in Subsection (2), all required parking shall be located on the same lot or parcel as the use to which it is associated. On-site parking shall be made available without charge for the use of or providing of the parking. In the case of a multi-tenant non-residential development in which multiple parcels are covered by the tenant uses and their associated parking, the parking shall be considered on-site for all of those tenant uses.

(2) Off-Site Parking. Where practical difficulties exist in providing on-site parking or if public safety would be better served by locating parking on a separate lot or parcel, the Planning Commission may authorize such off-site parking subject to the following conditions:

(a) no other practical alternative exists for providing on-site parking such that any of the following shall deem a request for off-site parking ineligible for approval:

(i) the hardship causing the need for off-site parking is self-imposed;

(ii) the hardship causing or resulting from the provision of off-site parking is financial in nature;

(b) providing off-site parking does not affect or reduce the amount of parking required or provided;

(c) required ADA-compliant parking spaces shall not be located in an off-site parking area;

(d) off-site parking areas shall be located in the same or a more intensive zone which applies to the property where the use served is located;

(e) the shortest practical and safe walking path is conveniently usable without causing unreasonable:

(i) hazard to pedestrians;

(ii) hazard to vehicular traffic;

(iii) traffic congestion;

(iv) interference with safe and convenient access or use of other parking areas in the vicinity;

(v) detriment to the appropriate, convenient

and reasonable use of any business in the vicinity; or

(vi) detriment to any residential neighborhood;

(f) no off-site parking space shall be located more than 600 feet from a public entrance of the use served, measured along the route of the shortest practical and safe walking path;

(g) off-site parking shall not be separated from the principal use by a street right-of-way of a collector or arterial class;

(h) off-site parking separated by from the principal use by a local class street has adequate and convenient crosswalk facilities to serve the practical and safe walking path;

(i) availability of each off-site parking area shall be assured by an agreement reviewed and accepted by the City which requires at least the following:

(i) all parking spaces shall be available perpetually to all uses utilizing the parking;

(ii) all parking spaces shall be available without charge; and

(iii) provisions exist for the perpetual maintenance and upkeep, including but not limited to snow removal, striping, and signage, of the practical and safe walking path by private parties to the agreement; and

(3) Vacant Lots and Open Land. Vacant lots and open land areas shall not be used as parking areas, except as allowed for a temporary use or special event.

(4) Parking of Recreational Vehicles in Residential Zones. Personal recreational vehicles, including but not limited to trailers, boats and watercraft, travel trailers, utility trailers, and motor homes parked in residential zones shall be parked on a hard surfaced area behind the front wall plane of the primary structure on the same property. Parking for such vehicles within residential developments approved with off-street recreational vehicle parking areas shall be allowed within those recreational vehicle parking areas only.

(5) Parking of Vehicles in Residential Zones. Parking of vehicles shall be limited to the following:

(a) The established driveway and to the side yard adjacent to the driveway, garage or car port, as well as the rear yard. Vehicle parking may be permitted in the side yard opposite to the driveway if the parking complies with the following:

(i) There is direct access to a detached accessory garage behind the home on the same side of the lot.

(ii) The parking spot and access lane are paved as per this code section.

(iii) The drive approach meets the requirements of TCC 7-4-8(1); Access Requirements, regarding drive approach widths and locations.

(iv) The parking does not otherwise violate any other laws or regulations.

(b) Where a garage or car port is not present parking shall be permitted only on the same side yard as the driveway.

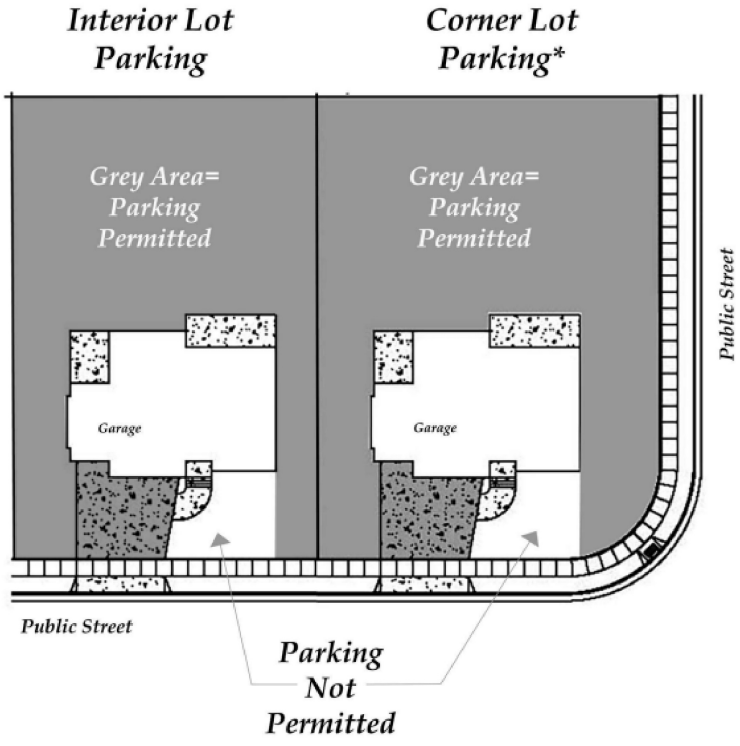
(c) Circular drives are exempt from front yard parking restrictions as long as the circular drive complies with the access requirements as found in TCC 7-4-8(1).

(d) All parking areas in the front yards, side yards and rear yard shall be paved with concrete, asphalt, gravel, pavers, or other similar paving methods.

(e) Parking of vehicles shall be prohibited in the front yard area between the inside edge of the driveway and the front corner of the residential structure (see Figure 7-4-4).

(Ord. 2026-08, 04-01-2026) (Ord. 2019-12, 05-15-2019)

Figure 7-4-4 -- Parking Locations.



*On corner lots where the garage or carport is adjacent to the side street the same parking scenario would apply.

7-4-8. Access Requirements.

For purposes of this Chapter, a drive approach shall be that portion of the ingress and egress to and from a driveway from the front of the curb to the property line. Adequate ingress and egress to and from all uses shall be provided as follows:

(1) One- and Two-Family Residential Lots. Access to one- and two-family residential lots shall be provided in compliance with the following requirements:

(a) Not more than two drive approaches shall be allowed for any residential lot.

(b) The width of a drive approach shall not be greater than 30 feet or more than one-third of the lot frontage in which the drive approach is constructed, whichever is less. A drive approach from a cul-de-sac or curved lot with a frontage of less than 50 feet at the property line may exceed one-third of that frontage, but shall not be more than 50% of the frontage at the property line.

(c) A lot may have a singular 30-foot drive approach or two drive approaches that total 30 feet wide. A drive approach shall have a minimum width of ten feet. Two drive approaches on the same lot must have a minimum of 12 feet between them.

(d) A drive approach shall be measured from the bottom of the flares, at its widest point. The flare shall not be greater than three feet long.

(2) Other Residential Uses. Access to residential lots other than one- and two-family residential lots shall be provided in compliance with the following requirements:

(a) Access to each parking space shall be from a private driveway and not from a public street.

(b) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street.

(c) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.

(d) No drive approaches shall be located within 50 feet of an intersection of two streets, measured from the existing or planned terminus of the curve return.

(3) Non-Residential Uses. Access to non-residential uses shall be provided in compliance with the following requirements:

(a) Each drive approach shall not be more than 40 feet wide, measured at right angles to the centerline of the drive approach, measured curb-face to curb-face, exclusive of tapered areas. Upon the recommendation of the City Engineer, the Planning Commission may extend a commercial drive approach to 50 feet wide.

(b) Divided or one-way access and egress driveways shall maintain a minimum of a 12-foot wide travel lane, per lane, measured curb-face to curb-face, exclusive of tapered areas.

(c) Driveways for two-way access and egress shall maintain a minimum of a 24-foot width measured curb-face to curb-face, exclusive of tapered areas.

(d) Not more than one drive approach shall be used for each 100 feet or fraction thereof of frontage on any street except that a use on its own property with less than 100 feet of frontage or which cannot meet the spacing between existing drive approaches on adjacent properties may be approved by the Planning Commission for one drive access of not more than 30 feet in width according to Chapter 11 of this Title.

(e) No two of said drive approaches shall be closer to each other than 50 feet, and no drive approach shall be closer to a side property line than ten feet.

(4) General Standards for All Uses. All access to properties shall be provided to meet the following general requirements:

(a) Where practical, adjacent properties are to share accesses. Unless a driveway access is shared by two or more properties, no drive approach shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.

(b) Driveways or drive approaches shall not be located where sharp curves, steep grades, restricted sight distances or any other feature or characteristics of the road or driveway or drive approach by itself or in combination impairs safe traffic operation. The relocation of highway signs, signals, lighting or other traffic control devices necessitated by a drive approach shall be relocated by Tooele City or its agent at the permittee's expense.

(c) Driveways or drive approaches which provide access and egress to and from a street controlled by the Utah Department of Transportation (UDOT) must be reviewed and approved by UDOT and shall be sized according to applicable UDOT standards.

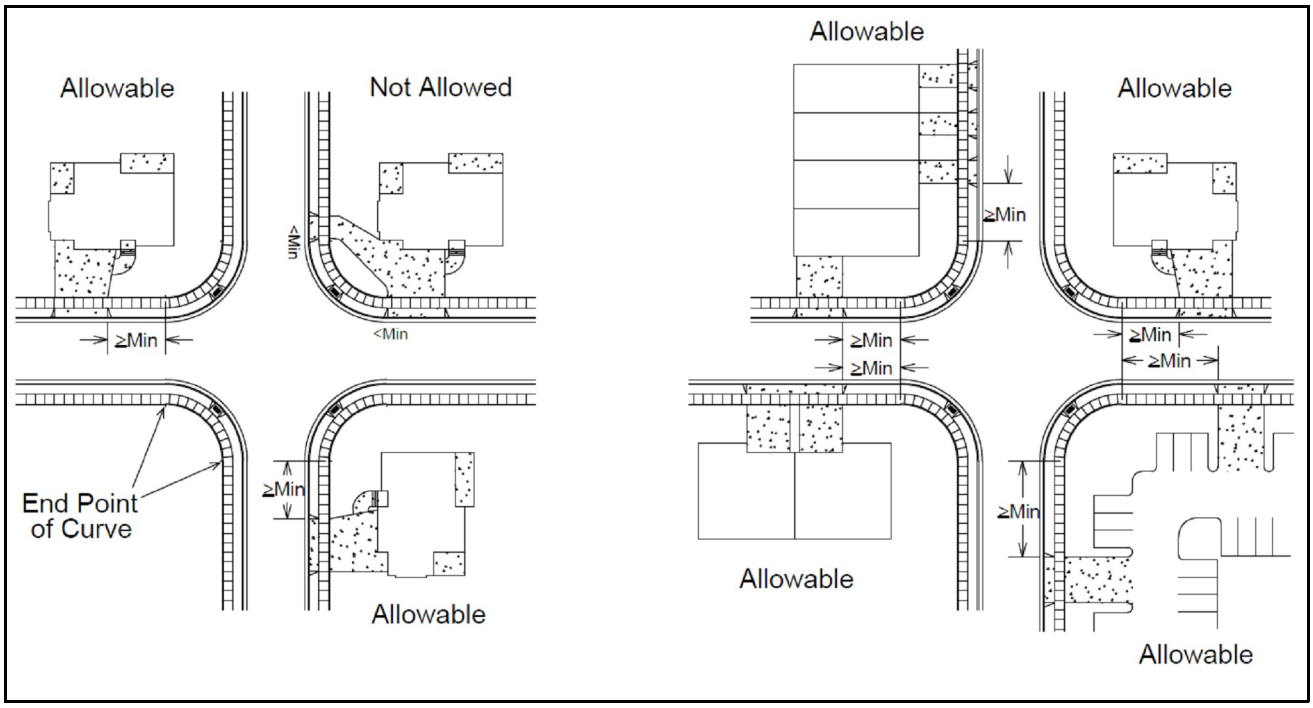
(d) Spacing and location of drive approaches for residential uses in relation to an intersection of two streets shall be as follows:

(i) a driveway serving an individual dwelling unit, regardless of unit type or configuration, shall be located at least ten feet from the intersecting streets, measured from the existing or planned end point of the intersection curve along the back of the sidewalk to the closest point of the driveway. Figure 7-4-1 demonstrates typical applications of this provision.

(ii) a driveway providing access to a collective parking area serving multiple dwelling units, regardless of unit type or configuration, shall be located at least 30 feet from the intersecting streets, measured from the existing or planned end point of the intersection curve along the back of the sidewalk to the closest point of the driveway. Figure 7-4-1 demonstrates typical applications of this provision.

(Ord. 2020-45, 11-18-2020) (Ord. 2020-02, 02-19-2020) (Ord. 2019-12, 05-15-2019)

Figure 7-4-1 - Drive Approach Locations.



7-4-9. Parking Lots.

Every parcel of land containing a public or private parking lot shall be developed and maintained in accordance with the following requirements:

(1) Each off street parking lot shall be surfaced with a bituminous surface course, Portland cement concrete or other approved surface to provide a dustless surface. The Planning Commission, following a recommendation from the City Engineer, must approve any surface that is not bituminous surface course or Portland cement concrete.

(2) The sides and rear of any off-street parking lot which face or abut a residential district shall be adequately screened from such district by a masonry wall or solid visual barrier fence not less than three or more than six feet in height as measured from the high side.

(3) Landscaping.

(a) Each parking lot shall be landscaped and permanently maintained. All landscaping is strongly encouraged to be low or no water use design and varieties. There shall be no natural turf, seed, or sod used for landscaping within parking lot areas. Artificial turf shall be utilized in areas where a sod-like appearance is desired. Trees and shrubs within parking lot areas shall utilize drip-style irrigation systems.

(b) Landscaping area within the parking lot shall also be eligible for calculation into the required site landscaping requirement.

(c) At least 5% of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees or shrubs.

(d) For the purpose of identifying areas in and around a parking lot that are eligible for consideration, Figure 7-4-2 identifies areas anticipated for consideration.

(e) Landscaping end caps not less than eight feet in width, exclusive of curbing, and extending the entire length of the parking stall it borders, shall be provided at each end of single and double parking rows. Landscape end caps shall be outlined with curbing to ensure the viability of the landscaping and separation between parking and landscaping. These end caps shall include one tree for each single row end cap and two trees for double row end caps.

(i) Parking end caps within the Industrial zoning district are exempt from the landscaping requirements.

(f) Landscaped Islands. Landscaping islands shall be provided in all parking areas as follows:

(i) Parking areas containing less than 75 parking spaces shall not be required to provide landscaped islands that break up rows of parking.

(ii) Parking areas containing less than 75 parking spaces which are part of a phased development that will result in the expansion of the parking for the development to be more than 75 parking spaces shall be required to provide landscaped islands as described in Subsection (f)(iii) herein.

(iii) When required, the maximum number of parking spaces in a row without separation by a landscaping island shall be 15. Landscaping islands shall include 1 tree for single row islands and 2 trees for double row islands. Tree requirement may be waived where pedestrian

walkways are provided within the landscape islands.

(iv) All parking lots within the Industrial zoning district are exempt from the parking island requirement and island landscaping requirements.

(g) Where landscaping islands are proposed to run the length of parking rows:

(i) those areas shall include plantings and ground covers with at least one tree per four parking stalls that front upon that landscaping;

(ii) trees shall be evenly spaced through the landscaping area;

(iii) landscaping areas may be broken up by pedestrian pathways that cross the landscaping area only when that pathway is a segment of an established and identified pedestrian pathway beyond the landscaping area and through the parking area

(iv) pedestrian pathways running the length of the landscaping island shall be not less than five feet in width;

(v) pedestrian pathways running the length of the landscaping island may be included in the calculation of landscaping only when landscaping of at least three feet in width is provided between the walkway and the parking spaces it borders.

(vi) All parking lots within the Industrial zoning district are exempt from the landscaping requirements for parking islands that run the length of the parking rows.

(4) Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjacent properties, uses and streets.

(5) Alignment. Parking lots which include multiple drive aisles that access parking spaces, or adjacent parking lots that connect, function, or have the ability to function as a single parking lot shall be designed such that drive aisles align across connecting drive aisles. Drive aisles which intersect on an angle to the connecting drive aisle shall connect only as a three leg intersection which does not interfere with traffic movements of nearby drive aisle intersections at the discretion of the City Engineer. Accesses to a parking lot from an adjacent right-of-way shall align with parking lot drive aisles or end at the first interesting drive aisle in a perpendicular intersection. Alignment requirements of this Subsection are generally displayed in Figure 7-4-2.

(6) Where not otherwise authorized by this Title, when in the best interests of the community as determined by the Planning Commission, the Commission may grant a Conditional Use Permit for the exclusive use as a parking lot on a parcel of land in residential districts, provided that in all cases the following conditions are met:

(a) The lot is to be used only for parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance and upkeep.

(b) No charges shall be made for parking on the lot.

(c) The lot shall not be used for sales, repair work, or servicing of any kind, but shall be used for parking of vehicles only.

(d) Entrances to and exits from the lot shall be located so as to do the least harm to the residential district in an aesthetic context.

(e) No advertising sign shall be located on the lot.

(f) All parking is to be kept back of the setback building lines by a barrier which will prevent the use of the premises in front of the setback lines for the parking of automobiles.

(g) The parking lot and that portion of the driveway behind the building line is to be adequately screened from the street and from adjoining property in a residential district by a hedge or sight-obscuring fence or wall not less than three feet, nor more than six feet in height, which is to be located behind the building setback line. All lighting is to be arranged so there will be no glare therefrom annoying to the occupants of an adjoining property in a residential district. The surface of the parking lot is to be smoothly graded, hard-surfaced and adequately drained.

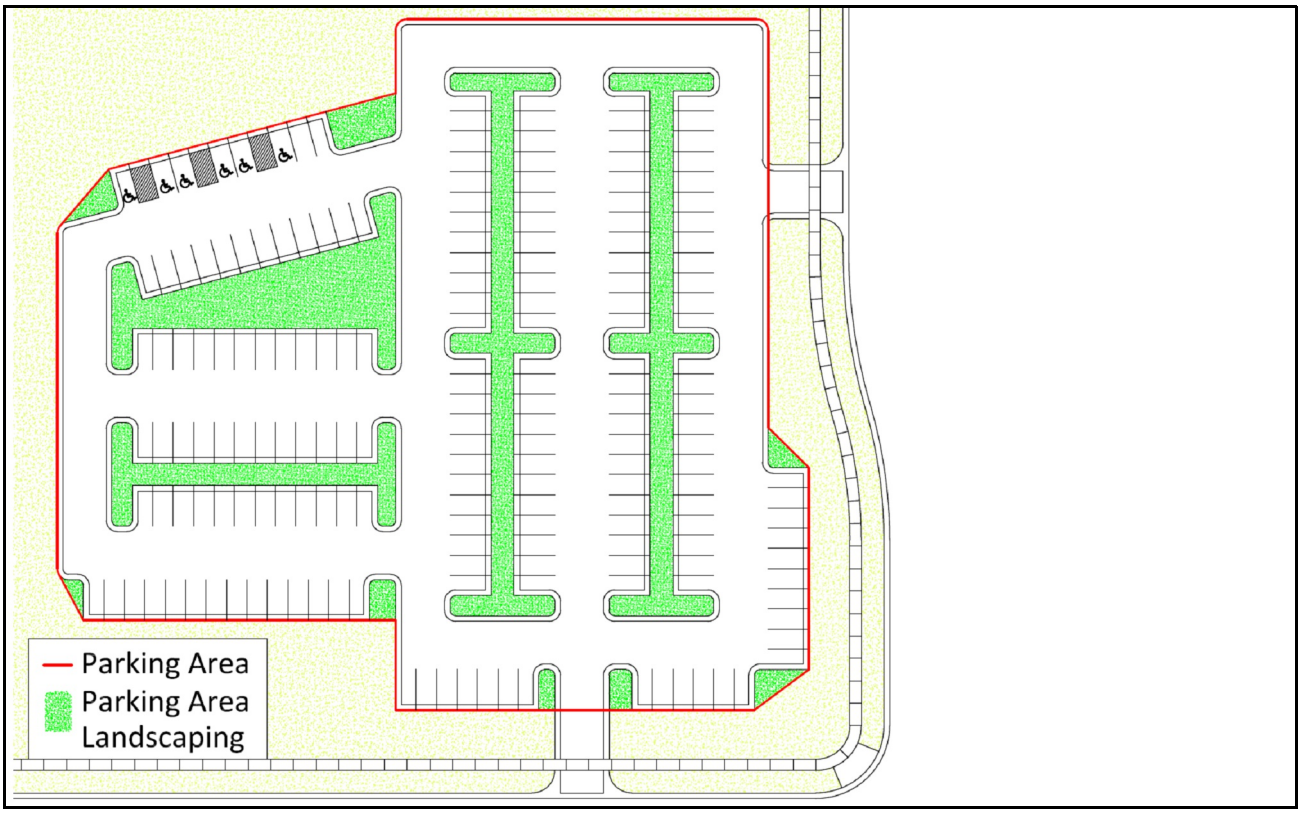
(h) Drainage shall be disposed of upon the premises of the parking lot, as per the requirement set by the city engineer.

(i) No private or public garage or parking lot for more than five motor vehicles shall have an entrance or exit in any district within 150 feet of the entrance or exit of a public school, church, playground, or other public or semi-public institution or facility.

(j) There may be imposed such other conditions as may be deemed necessary by the Planning Commission to address findings of identified impacts on the residential district.

(Ord. 2024-29, 10-16-2024) (Ord. 2024-07, 04-03-2024) (Ord. 2023-22, 06-07-2023) (Ord. 2021-39, 11-17-2021) (Ord. 2020-02, 02-19-2020) (Ord. 2019-12, 05-15-2019)

Figure 7-4-2 – Parking Area Landscaping.



7-4-10. Parking Dimensions.

Minimum parking space and related dimensions shall be as set forth in this Section.

(1) Standard parking spaces shall be a minimum of nine feet wide by 20 feet deep.

(2) Where a front overhang over a sidewalk is proposed or provided, and the sidewalk is a minimum of six feet in width, parking spaces may be reduced to 18 feet deep. In the instance where the sidewalk is less than six feet in width, parking stalls shall be at least 20 feet deep and contain wheel stops to prevent vehicles from overhanging the sidewalk.

(3) Where a front overhang over a landscape area is proposed or provided, parking spaces may be reduced to 18 feet deep.

(4) Driving aisles between or along parking stalls within a parking area shall be not less than 24 feet wide for two-way traffic or not less than 16 feet in width for one-way traffic, subject to Section 7-4-10.

(5) Carports shall have a minimum inside dimension of nine feet wide by 20 feet deep for each parking space.

(6) Garages shall have a minimum inside dimension of ten feet wide by 22 feet deep and a minimum door width of eight feet for each parking space contained therein, unless a greater requirement is established elsewhere in this Title.

(7) ADA-accessible parking spaces shall be provided and designed according to the provisions and requirements of the adopted building and fire code.

(8) Angled parking spaces shall be sized based on the angle of parking spaces shown in this Section, Table 7-4-2 and Figure 7-4-3. Parking spaces positioned nose-to-nose shall be at least 20 feet deep each.

(9) Parallel parking spaces shall be a minimum of eight feet wide by 22 feet deep.

(10) Loading spaces shall be a minimum of ten feet wide by 25 feet deep.

(11) Stacking and queuing spaces shall be a minimum of ten feet wide by 20 feet deep.

(12) Sites containing 50 or more parking spaces may provide compact parking spaces for a portion of the required parking for the site. Compact parking, when proposed, shall adhere to the following:

(a) Compact parking spaces may be utilized to provide up to:

(i) a maximum of 5% of the total parking requirement for the site; or

(ii) a maximum of 10% of the total parking requirement for the site when combined with the following:

(A) a landscaped plaza area near the primary entrance to the building associated with compact parking spaces that is equal in area to 15% of the total building square footage;

(B) pedestrian amenities, such as but not limited to benches, throughout the plaza; and

(C) pedestrian pathways from the primary entrance to and through the plaza which connect to street

sidewalks and neighboring sites or uses; and

(b) All compact parking spaces shall:

(i) measure no less than eight feet wide and 16 feet deep;

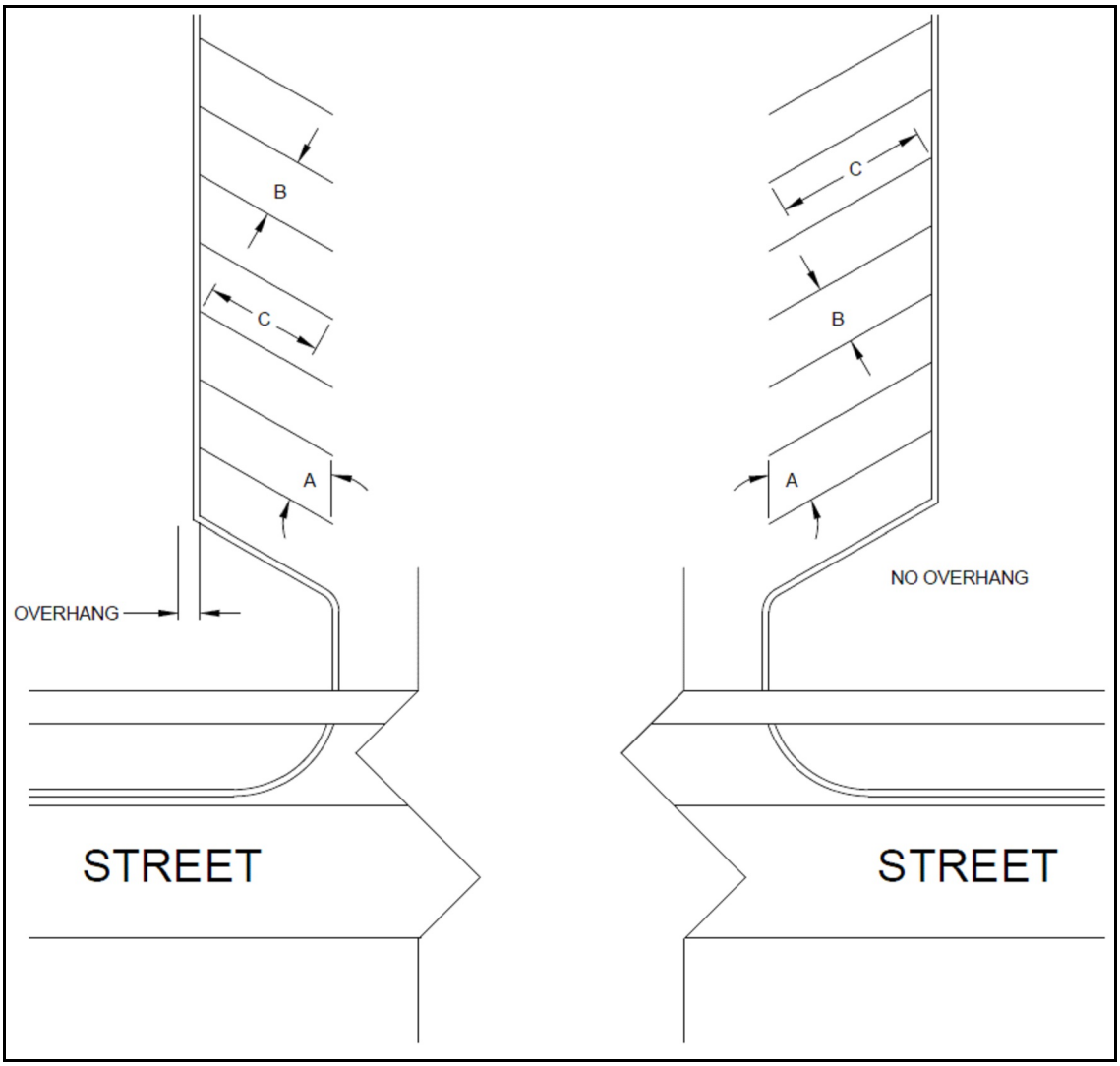
(ii) be clearly identified and shown on a site plan approved by the Planning Commission; and

(iii) be marked on the surface as "Compact" and maintained.

(c) Under no circumstances shall ADA-accessible parking spaces qualify or be sized as compact spaces.

(Ord. 2020-02, 02-19-2020) (Ord. 2019-12, 05-15-2019)

Figure 7-4-3 – Angled Parking Layout.



Parking Stalls with Front Overhang **Parking Stalls without Front Overhang**

Table 7-4-2 – Angled Parking Dimensions.

Parking Stalls with Front Overhang

Parking Angle A	Stall Width B	Stall Depth C
90°	9 Feet	18 Feet
60°	9 Feet	18 Feet
45°	9 Feet	18 Feet

P arking Stalls without Front Overhang

Parking Angle A	Stall Width B	Stall Depth C
90°	9 Feet	20 Feet
60°	9 Feet	20 Feet
45°	9 Feet	20 Feet

7-4-11. Public Safety Aisles.

Every lot or parcel that includes a parking area with internal vehicular aisles for access to parking spaces shall provide public safety access and facilitation aisles. Those public safety aisles shall be provided as required in this Section regardless of whether the aisle accommodates one- or two-way traffic.

(1) Multi-Family Residential. Public safety aisles within multi-family residential developments shall be provided where a building is constructed greater than two stories and either:

(a) the drive aisle provides the closest access to one or more sides of the building; or,

(b) covered parking is located between the drive aisle and the building.

(2) Non-Residential Uses. Public safety aisles shall be provided as where a vehicle drive aisle is the closest drive aisle to one or more sides of a building that:

(a) is taller than 30 feet;

(b) is greater than 20,000 square feet of total floor area;

(c) contains or is proposed to contain uses utilizing or handling hazardous or potentially hazardous materials;

(d) is located more than 100 feet from the closest right-of-way; or,

(e) is located more than 100 feet from closest fire hydrant.

(3) Drive Aisle Widths. All vehicle drive aisles within a parking area shall be not less 24 feet in width, measured curb face to curb face or edge of driving surface to edge of driving surface where no curb exists. Where public safety aisles are required by this section, those aisles shall not be less than 30 feet in width, measured in the same manner. At no time shall any vehicle drive aisle be allowed in violation of the International Fire Code or other fire code adopted by Tooele City or the State of Utah. In instances where parallel parking is proposed along a vehicle drive aisle within a parking area, the Tooele City Fire Chief shall maintain the ability to require additional minimum width reasonably necessary to ensure emergency response in conjunction with the parallel parking.

(Ord. 2022-03, 01-19-2022) (Ord. 2020-02, 02-19-2020) (Ord. 2019-12, 05-15-2019)

CHAPTER 5. CONDITIONAL USE

7-5-1. Purpose.
7-5-2. Requirements.
7-5-3. Public hearing.
7-5-4. Findings of fact.
7-5-5 . Notification of Planning Commission action.
7-5-6 . Conditions appurtenant to property.
7-5-7. Building permits.
7-5-8. Time limits; termination of permits.
7-5-9. Guidelines for conditions.
7-5-10. Revocation.
7-5-11. Appeals.
7-5-12. Violations.
7-5-13. Appeals.
7-5-14. Administrative Conditional Uses.

7-5-1. Purpose.

The purpose and intent of this Chapter is to allow the integration of specified uses which are allowed uses of the zoning district, but which may create detrimental effects upon neighboring land uses and occupants without the imposition of reasonable conditions calculated to mitigate those detrimental effects.
(Ord. 2016-15, 10-19-2016) (Ord. 1996-21, 09-04-1996)

7-5-2. Requirements.

(1) General requirements. A conditional use permit shall be required for all uses listed as conditional uses in each zoning district or elsewhere in this Code.

(2) Application requirements. Application for a conditional use permit shall be made by the property owner or authorized agent to the Community Development Department upon a form prescribed by the Department Director. An application which does not satisfy the requirements of this Chapter shall not be heard. An application must contain the following information:

(a) the name, address, and telephone number of the applicant;

(b) an affidavit under oath asserting ownership of the subject property, executed by the owner or authorized agent;

(c) the description of the property, including a legal description, street address, and other common means of identification;

(d) the names and addresses of all last known property owners as contained in the current records of the Tooele County recorder, within a 200-foot radius of the subject property, measured from the closest boundary of the proposed conditional use as shown on the development plan;

(e) a written statement indicating the manner of compliance with the provisions of this Code, and a written statement setting forth specifically any variance granted by the City from any provision of this Code;

(f) an accurate scale drawing showing the locations of the existing and proposed streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking, off-street loading facilities, and landscaped areas; and,

(g) such other information, plans, maps, diagrams and information that may be necessary or helpful to assure the full presentation of all pertinent facts for the record and to assist the Planning Commission in making a determination.

(3) Fees.

(a) Application fee. A conditional use application must be accompanied by the fee established by Resolution of the City Council. A receipt or notation of receipt number showing that the application fee has been paid must be attached to all applications as proof of filing.

(b) Extension fee. A request for conditional use permit extension must be accompanied by the fee established by Resolution of the City Council.

(c) Appeal fee. An appeal from a Planning Commission determination must be accompanied by the fee established by Resolution of the City Council.
(Ord. 2016-15, 10-19-2016) (Ord. 1996-21, 09-04-1996)

7-5-3. Public hearing.

(1) Public hearing. The Planning Commission shall hold a public hearing on all conditional use applications. The Commission shall consider conditional use permit applications at its regularly scheduled business meeting as soon as practicable after the filing of an application. Applications must be filed with the City Engineer not later than 15 days prior to the scheduled business meeting.

(2) Notice. At least 7 days prior to the date set for the hearing, the City shall mail written notice of the hearing to each property owner whose name and address accompany the application. The notice shall give the date, time, and place of the hearing, the name of the applicant, the requested conditional use, an identification of the subject property, and such other information as the Planning Commission may require. In addition to the application fee, the applicant shall pay the costs incurred by the City to provide the required notice.

(3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons

either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.

(4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(5) Minutes. All conditions imposed upon approval of the application shall be entered into the minutes of the Planning Commission and on the conditional use permit.

(6) Code compliance. The granting of a conditional use permit shall not exempt the applicant/permittee from the requirements of this Code.
(Ord. 2009-15, 12-2-2009) (Ord. 1996-21, 09-04-1996)

7-5-4. Findings of fact.

Prior to approving or denying a conditional use permit application, the Planning Commission shall make, in the business meeting at which the public hearing is conducted or the permit is approved or denied, a finding of the following facts:

(1) the reasonably anticipated detrimental effects of the proposed use upon adjacent and nearby persons and properties;

(2) the evidence identified regarding the identified reasonably anticipated detrimental effects of the proposed use;

(3) the reasonable conditions imposed, as part of the conditional use permit approval, intended to mitigate the reasonably anticipated detrimental effects of the proposed use;

(4) the reasons why the imposed conditions are anticipated or hoped to mitigate the reasonably anticipated detrimental effects of the proposed use;

(5) the evidence, if any, identified regarding the ability of the imposed conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
(Ord. 2012-25, 11-21-2012) (Ord. 1996-21, 09-04-1996)

7-5-5. Notification of Planning Commission action.

Within a reasonable time following the public hearing, the applicant shall be notified in writing of the Planning Commission's action. If the application is approved, the notification shall detail any conditions imposed, the procedures to be followed prior to obtaining a business license or building permit, and the expiration date of permit approval.
(Ord. 1996-21, 09-04-1996)

7-5-6. Conditions appurtenant to property.

All conditions imposed upon a conditional use permit shall run with the land, and shall be binding on the applicants and their heirs, successors, and assigns.
(Ord. 1996-21, 09-04-1996)

7-5-7. Building permits.

(1) Following the issuance of a conditional use permit by the Planning Commission, and site plan review, if required, the Building Official may approve an application for a building permit and shall ensure that the development is undertaken and completed in compliance with said permit.

(2) Permit document. Prior to the issuance of any building permit or business license, the permittee shall sign a conditional use permit document. The document shall include a list of all conditions imposed by the Planning Commission. A site plan may also be required.
(Ord. 1996-21, 09-04-1996)

7-5-8. Time limits; termination of permit.

(1) Effective date. The date of issuance of a conditional use permit shall be from the date of the Planning Commission's final decision on the conditional use permit application.

(2) Commencement of construction. Within 12 months from the date the Planning Commission grants a conditional use permit, the permittee shall substantially comply with all conditions imposed upon the permit. Substantial compliance shall be demonstrated by obtaining a current building permit and commencing construction. Construction shall be deemed commenced upon the completion of the foundation for at least one principal building or 20% of remodeling or other construction. If construction is not commenced within 12 months, the permit will terminate automatically and without notice to the permittee.

(3) Business license. If construction is not proposed as an element of the conditional use, a business license shall be obtained to satisfy this requirement. If a business license is not obtained within 12 months, the permit will terminate automatically and without notice to the permittee.

(4) Lapsing of permit. If the conditional use should cease for any reason for a continuous period of 12 months, the conditional use permit will terminate automatically and without notice to the permittee.

(5) Extensions. A request for extension of a conditional use permit may be filed with the Community Development Department not less than 30 days prior to the permit expiration date. Following a request for extension, the original conditional use permit shall remain valid until the request for extension is acted upon by the Planning Commission in a regularly scheduled public meeting. A request for extension shall not require a public hearing. A permit may be extended for no more than six months. Failure to request an extension in a timely manner shall cause the conditional use permit to expire without further notice, and a new conditional use permit shall be required prior to any reinstatement of the use.

(6) Reinstatement. Where a conditional use permit terminates under this Section, approval of a new conditional use permit shall be required prior to any reinstatement of the use.

(Ord. 2016-15, 10-19-2016) (Ord. 1996-21, 09-04-1996)

7-5-9. Guidelines for conditions.

(1) Applicants for conditional use permits shall satisfy all the requirements of this Code. The Planning Commission may establish all reasonable conditions it deems necessary to protect the health, safety, and general welfare of the community. In addition, the Planning Commission may impose conditions regarding the following:

(a) conditions relating to safety for persons and property:

(i) building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding; for example, down-sloping driveways;

(ii) the relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential dangers existing on or adjacent to the property;

(iii) increased setback distances from lot lines;

(iv) design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations or restrictions to use or location of use due to site conditions, including but not limited to flood plains or landslide areas that may exist outside of the Sensitive Area Overlay areas;

(v) the arrangement and dimensions of truck loading and unloading facilities;

(vi) the construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting;

(vii) limits on time of day for the conduct of specified activities, or the absolute length of time of the proposed use; for example, commercial and industrial uses within 250 feet of a residential zoning district not operating between 10:00 p.m. and 6:00 a.m.; and,

(viii) wind energy conversion systems.

(b) conditions relating to health and sanitation:

(i) the sufficiency of water to serve the proposed land use and a water delivery system to be installed according to standards adopted by the City;

(ii) a wastewater disposal system approved by the Tooele County Health Department according to standards adopted by the City; and,

(iii) solid waste disposal receptacle enclosures constructed according to standards adopted by the City;

(iv) construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for orderly development of land in the City.

(c) conditions relating to environmental concerns:

(i) areas that may exist outside of the Sensitive Area Overlay due to soil capabilities, wildlife, and plant life;

(ii) processes for the control, elimination, or prevention of land, water, or air pollution, the prevention of soil erosion, and the control of objectionable odors and noise;

(iii) the planting of ground cover or other surfacing to prevent dust and erosion;

(iv) the restructuring and revegetation of the land when the use involves cutting or filling the land and where such land would be adversely affected if not restructured or revegetated.

(d) conditions relating to compliance with the purposes and regulations of general plans and zoning districts:

(i) conditional uses being located only on lots fronting arterial or collector streets within the district;

(ii) the removal of nonconforming, noncompliant, nuisance, or unsafe structures, debris, or plant materials;

(iii) the screening of yards or other areas as protection from other land uses and activities;

(iv) landscaping in addition to that which may be required in other chapters of this Code, to ensure protection from neighboring land uses;

(v) the location, height, lighting, and

materials used for the construction of structures to ensure protection of neighboring land uses specifically if the use abuts a residential zoning district;

(vi) the location, height, and materials of walls, fences, hedges, and screen plantings to ensure protection of adjacent development, or to conceal storage areas, utility installations, or other accessory features or structures;

(vii) the relocation of proposed or existing structures as necessary to provide for future streets on the Official Street Map, sight distances for general safety, groundwater control, or similar concerns.

(viii) the construction of recreational facilities necessary to satisfy the needs of the conditional use;

(ix) increased setback distances from lot lines;

(x) decreasing the intensity of land uses to avoid nuisances or other detrimental effects; and,

(xi) improvements which serve the property in question and which may compensate in part or in whole for possible detrimental effects to the district from the proposed conditional use.

(e) conditions relating to performance and administration:

(i) bonding or other valuable assurance in favor of the City in an amount to be determined by the City may be required for improvements or guarantees of construction relating to the conditional use permit.

(Ord. 2016-15, 10-19-2016) (Ord. 1996-21, 09-04-1996)

7-5-10. Revocation.

(1) The issuance of a conditional use permit under this Chapter grants a revocable property interest and privilege to engage in the conditional use allowed on the permitted property. The permittee agrees, as a condition of permit issuance, to conduct the conditional use on the permitted property in conformity with the terms and conditions of the permit, the ordinances of the City, and all other applicable laws.

(2) Any conditional use permit issued pursuant to the provisions of this Chapter may be revoked by the Community Development Director for failure of the permittee to observe, or to assure observance of, all the conditions specified in the issuing of the permit, or for failure to observe other requirements of this Code in regards to the maintenance of improvements or the conduct of the use or activity as approved.

(3) An action or omission constituting grounds for revocation under this Section by an agent, employee, officer, operator, owner, guest, or patron of the permittee shall constitute the action or omission of the permittee.

(4) Prior to revocation, the Community Development Director shall make a preliminary determination to revoke. Notification of the Director's preliminary determination to revoke a conditional use permit shall be mailed by the Department by certified U.S. mail to the permittee at the mailing address identified on the conditional use permit application.

(5) Notification of conditional use permit revocation shall be mailed by the Department by certified U.S. mail to the permittee:

(a) if no timely appeal of the preliminary revocation determination was filed, at the mailing address identified on the conditional use permit application; or,

(b) if a timely appeal of the preliminary revocation determination was filed, and the determination was sustained by the Administrative Hearing Officer, at the address identified on the appeal.

(6) The City shall have the right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

(Ord. 2016-15, 10-19-2016) (Ord. 1996-21, 09-04-1996)

7-5-11. Appeals.

Appeals of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2016-15, 10-19-2016) (Ord. 1996-21, 09-04-1996)

7-5-12. Violations.

(1) The following are violations of this Chapter :

(a) conducting a use that is identified as a conditional use in Chapter 7-14 Table 1: Table of Uses or §7-16-3 (Table 1: Table of Uses) of this Title without a valid, current conditional use permit;

(b) conducting a use in violation of the terms of a conditional use permit; and,

(c) continuing to conduct a use after a conditional use permit for that use has been revoked.

(2) Civil. Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as follows:

(a) first violation: $100 fine;

(b) second violation: $250 fine;

(c) third and subsequent violations: $500 fine.

(3) Criminal. In addition to the civil penalties provided in this Section, a violation of this Chapter may be charged and prosecuted as a class C misdemeanor.

(Ord. 2024-23, 08-21-2024) (Ord. 2012-23, 11-21-2012)

7-5-13. Appeals.

(1) The administrative hearing officer shall hear and decide appeals from civil citations issued for violations of this Chapter.

(2) A person desiring to appeal a civil citation shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder, who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals are identified in Tooele City Code Chapter 1-28.

(Ord. 2024-23, 08-21-2024)

7-5-14. Administrative Conditional Uses.

The terms of this Section shall apply only to those conditional uses listed in Subsection (1). In the event that the terms of this Section conflict with similar provision elsewhere in this Chapter, the terms of this Section shall supersede for those conditional uses listed in Subsection (1).

(1) Conditional Uses to be Reviewed Administratively. All home occupation uses requiring a conditional use permit shall be reviewed administratively.

(2) Application. All applications for a home occupation conditional use permit shall be filed with the Community Development Department as prescribed in Section 7-5-2 herein.

(3) Fees.

(a) Application Fee. An application for a home occupation conditional use permit shall be accompanied by the fee established by Resolution of the City Council. A receipt or notation of receipt number showing that the application fee has been paid must be attached to all applications as proof of filing. An application for a home occupation conditional use permit shall not be complete without a paid application fee and shall not be accepted.

(b) Extension Fee. A request for extension of a home occupation conditional use permit must be accompanied by the fee established by Resolution of the City Council and must be received prior to the expiration of the permit. An application for extension of a home occupation conditional use permit shall not be complete without a paid application fee and shall not be accepted. Time limits and extensions of a home occupation conditional use permit shall comply with the terms of Section 7-5-8 herein.

(c) Appeal Fee. An appeal from a determination on a home occupation conditional use permit must be accompanied by the fee established by Resolution of the City Council. An application for appeal of a home occupation conditional use permit shall not be complete without a paid application fee and shall not be accepted.

(4) Notice of Application. Upon receipt of a complete application for a home occupation conditional use permit, the Zoning Administrator shall issue notice to all property identified under Section 7-5-2(d) herein. The notice shall include at least the following:

(a) Identification of the property where the proposed home occupation conditional use is to be located;

(b) The nature of the proposed home occupation;

(c) Identification of the proposed home occupation conditional use as an administrative review;

(d) Invitation to submit any relevant information and evidence in writing to the Zoning Administrator regarding the application; and,

(e) The date and time deadline, to be not less than 7 calendar days from the date of the notice, for receipt of all submitted relevant information and evidence.

(5) Review of Application.

(a) Standard of Review. Upon receipt of all submitted relevant information and evidence, the Zoning Administrator shall review the application and the submitted relevant information and evidence for compliance with the applicable terms of the Tooele City Code. The Zoning Administrator shall review applications for a home occupation conditional use permit according to Section 7-5-3(4) based on the substantial evidence provided in the application, the applicable provisions of the Tooele City Code, and the submitted relevant information and evidence. In the event the Zoning Administrator finds substantial evidence that the application presents unique or extraordinary challenges or the submitted relevant information and evidence present substantial concern that the Zoning Administrator deems a public hearing to be warranted or necessary, the Zoning Administrator, in their sole discretion, shall have the option to defer the application for a home occupation conditional use permit to the Planning Commission for review. In doing so, the application shall than follow the process described in this Chapter for Planning Commission review including noticing and scheduling of a public hearing.

(b) Findings of Fact. The Zoning Administrator may impose conditions necessary to ensure the application's compliance with the purpose of the Chapter according to the terms of Section 7-5-4 herein.

(6) Notification of Action. Within 7 calendar days of the deadline identified in Subsection (5)(e) herein, the Zoning Administrator shall issue a written notification of determination to the applicant of a home occupation conditional use permit as outlined in section 7-5-5 herein.

(7) Appeal. Any aggrieved party to a written determination for a home occupation conditional use permit may appeal in writing to the Director of the Community Development Department within 7 calendar days of the date of determination being appealed. The Director shall review the appeal according the same standard of review as the determination and issue a determination to uphold or overturn the Zoning Administrator's determination within 7 calendar days of the appeal being filed. An appeal of the Director's determination may be appealed according to Section 7-5-11 herein.
(Ord. 2024-23, 08-21-2024) (Ord. 2016-18, 11-02-2016)

CHAPTER 6. PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

7-6-1. Purpose.
7-6-2. Definition.
7-6-3. Allowed Uses.
7-6-4. Authorization of a Planned Unit Development Overlay District.
7-6-5. Application Requirements.
7-6-6. Planned Unit Development Designation.
7-6-7. Authorization and Approval Procedures for Subdivisions and Site Plans within a Planned Unit Development District.

7-6-1. Purpose.

The purpose of the Planned Unit Development Overlay District, when used in conjunction with the requirements of the base, or underlying zoning district, is to permit flexibility in subdivision and site planning, to promote the efficient utilization of resources, and to preserve and protect valuable site features and to add desired amenities for the neighborhood or area. The application of the Planned Unit Development Overlay District is intended to promote the achievement of quality neighborhood and site design while complying with the policies of the Tooele City General Plan and the requirements of the Zoning Ordinance. The intent of the Planned Unit Development Overlay District is to:

(1) Create opportunities for flexible site planning and development options where the standard lot configuration is not practical or desirable;

(2) Provide flexibility in site and building design, placement of buildings, use of open space, provision of circulation facilities and parking, and other design considerations;

(3) Encourage the preservation and enhancement of desirable site characteristics, including open space areas, vegetation and critical natural areas;

(4) Allow design, landscape or architectural treatments to create an attractive and pleasing environment;

(5) Support reductions in development costs and the costs of providing ongoing maintenance; and

(6) To allow and encourage the provision of special development amenities.

(Ord. 97-21, 06-04-97)

7-6-2. Definition.

Planned Unit Development (PUD) is a site plan or subdivision layout technique allowing buildings and structures with some or all of the lots reduced below the minimum lot sizes and/or differing setback standards than required by the base zoning district, but where the overall project or site area meets the density standard of the zoning district. While the underlying zoning district establishes the allowed use and densities, the Planned Unit Development overlay district allows flexibility in the general configuration of the subdivision or site plan area. Development areas being proposed as a Planned Unit Development require that the planning for lots and the locations of buildings and structures be achieved in a coordinated, functional and unified manner. (Ord. 97-21, 06-04-97)

7-6-3. Allowed Uses.

The Planned Unit Development Overlay District does not establish or identify any of the uses allowed within an area or proposed development site. Rather, it is the underlying zoning district which identifies and establishes the uses which are allowed, either as a permitted, or as a conditional use. (Ord. 97-21, 06-04-97)

7-6-4. Authorization of a Planned Unit Development Overlay District.

(1) Qualifying Districts. A Planned Unit Development Overlay District may be allowed by the City Council as an overlay zoning district in the Residential Zoning Districts of the City with a minimum area of five (5) acres.

(2) Procedure for Approval. A Planned Unit Development Overlay District may only be authorized by the City Council, as an amendment to the Tooele city Zoning District Map, after receipt of a recommendation from the Planning Commission, and after complying with all the requirements of §10-9-403, Utah Code Annotated (U.C.A.). In evaluating the appropriateness of approving a Planned Unit Development Overlay District the City Council and Planning Commission may consider the following factors, among others:

(a) The suitability of the properties for a Planned Unit Development Overlay District designation;

(b) That adequate public services and facilities exist or can be provided to serve the proposed Planned Unit Development area;

(c) A Planned Unit Development area will encourage greater efficiency in the delivery of City-provided services ;

(d) The Planned Unit Development has the potential of providing additional amenities for the residents of the area, or the residents of the City, than would be achieved by a conventional development pattern;

(e) Whether the establishment of a Planned Unit Development District will have a negative affect on the rights, enjoyment and uses on nearby and adjoining properties; and

(f) The gain to the public health, safety and welfare and the overall community benefit to authorizing a Planned Unit Development designation.

(Ord. 97-21, 06-04-97)

7-6-5. Application Requirements.

Applications for a Planned Unit Development

Overlay district shall provide the following information in addition to the information generally required by the City for a Zoning District Map amendment (rezoning) application:

(1) Representative architectural drawings and elevations of proposed dwellings, structures and other buildings;

(2) Concept subdivision layout or site plan design, as the case may be, showing the general locations of all buildings, structures, parking areas, open space areas, streets and roads and other private and public improvements;

(3) Tables showing the total number of acres in the proposed development identifying the percentages of the total area devoted to each proposed use including residential structures, residential lots, parking areas, streets and roads, parks, open space areas, and any other uses, and a tabulation of the overall density for the development site;

(4) Any other information, reasonably related to the application that the Planning Commission and City Council may require to determine the appropriateness of authorizing a Planned Unit Development Overlay District designation. (Ord. 97-21, 06-04-97)

7-6-6. Planned Unit Development Designation.

Following the receipt of a Planning Commission recommendation and following the requirements of §10-9-403 U.C.A. the City Council may authorize that the Tooele City Zoning District Map be amended to allow a Planned Unit Development Overlay District. If this occurs the underlying district designation shall be followed by the "PUD" identifier, i.e. if a single family R1-12 district is the underlying district the revised or amended district classification would be R1-12(PUD), indicating the R1-12 district as the underlying zoning district and the Planned Unit Development District as the overlay zoning district. (Ord. 97-21, 06-04-97)

7-6-7. Authorization and Approval Procedures for Subdivisions and Site Plans within a Planned Unit Development District.

All subdivision and site plan layouts and designs proposed within a Planned Unit Development Overlay District shall be reviewed and considered pursuant to the procedures as established in Chapter 19 of this Ordinance for subdivision applications of Chapter 11 of this Ordinance for site plan applications.

(1) Application Requirements**.** Applications for preliminary and final subdivision plat and preliminary and final site plan review and approval must contain all information required by the City for subdivision approval as identified in Chapter 19, or for site plan approval as identified in Chapter 11 as well as the following:

(a) A statement of how the purpose and intent of this Chapter will be achieved by the proposed Planned Unit Development (PUD) project. The statement should include sketches or illustrations of the proposed character of the development, including architecture of buildings and a description of how the development will relate to surrounding land uses.

(b) A summary report identifying: the different land uses, including the amount of land for housing, open areas, streets, and parking; the number and type of housing units; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.

(c) Preliminary architectural drawings and elevations of proposed dwellings, structures and other buildings.

(2) Allowed Density. The density allowed by a Planned Unit Development designation shall not exceed the density allowed by the underlying zoning district.

(3) Calculation of Density. The density allowed in a Planned Unit Development area is to be calculated in the following manner:

(a) Land set aside or dedicated for schools, religious institutions, and public or quasi-public activities (excluding park and open space areas) is to be subtracted from the gross site area to determine net usable site area.

(b) Net usable site area is multiplied by the density allowed by the underlying zoning district, as established in the Table of Allowed Residential Density (Table 2, Table of Allowed Residential Density; Residential Zoning Districts) to identify the maximum number of residential units allowed.

(c) If the Planned Unit Development project is to be located in more than one residential zoning district, the total number of residential units allowed is calculated by adding the number of units allowed by each zoning district. Dwelling units may be placed without regard to district boundaries, provided the total number of units do not exceed that allowed by the underlying zoning districts.

(d) Lot Sizes. In a Planned Unit Development area there is no minimum lot size requirement (area, width, or depth). However, lot sizes must be adequate to promote compatibility with adjoining activities on and off the development site as determined by the Planning Commission and City Council.

(e) Housing Types Allowed. Dwelling units allowed are to be consistent with the types of housing units allowed by the underlying zoning district.

(f) Building Locations and Setbacks. The proposed building areas, and proposed setback lines for all buildings and structures must be shown on the preliminary and final plat or site plan. Along the perimeter of the development site / project area, all development must meet the building setback standards of the underlying zoning district. Within the site, building setbacks and building separation is to be established as part of the preliminary subdivision plat or

preliminary site plan review and approval process sufficient to promote a functional, attractive and compatible development. (Ord. 97-21, 06-04-97)

(g) Height. The height limit of the underlying zoning district applies.

(h) Open Space and Park Areas. Park and open space areas provided within a Planned Unit Development may be proposed for dedication to the City. Open space and park areas proposed for dedication to the City may be received by the City, at the discretion of the City Council, following the receipt of a Planning Commission recommendation. All open space areas and park areas provided as part of a Planned Unit Development must be in common ownership, city ownership, or held in a form acceptable to the City to guarantee access and continued preservation and maintenance.

(i) Maintenance of Open Space Areas. Unless dedicated and accepted by the City, an enforceable maintenance agreement for any commonly owned areas must be created and recorded with the Tooele County Recorder, and a copy of the recorded agreement provided to the City. The final plat or site plan shall also carry a note identifying the existence of the recorded maintenance agreement. Prior to recordation the agreement must be approved by the City Attorney to assure that the City's interests are maintained and protected.

(j) Provision of Services and Improvements Standards. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the Planned Unit Development project consistent with the requirements generally imposed on subdivision or site plan approvals, including compliance with the City's public improvement, design and construction standards.

(k) Phased Development Procedures. An applicant may submit a preliminary subdivision plat or preliminary site plan for the entire Planned Unit Development area with proposed phased final subdivision plats and / or phased final site plans.

(l) Amendments to the Planned Unit Development Subdivision Plats and Site Plans. Applicants may be granted revisions to approved preliminary or final Planned Unit Development subdivision plats or site plans by following the amendment procedures for subdivision plats and site plans as identified in this Ordinance and as required by applicable State law requirements. Requests for revisions must be submitted in writing to the City. Changes and amendments to approved preliminary and final Planned Unit Development plans are processed following the same procedures as the original review and approval.

(m) Certificates of Occupancy. Certificates of occupancy will not be issued unless all improvements and conditions of approval have been fulfilled to the satisfaction of the City Engineer and Building Official.

CHAPTER 7-6a. PUD: SUNSET ESTATES

(formerly "Bowler Realty")
Enacted by Ordinance 1996-28 (December 4, 1996)

Location: property located directly north of Overlake Phase 1A (see Ordinance 1996-28 exhibits)

ZONING REGULATIONS OF THE PUD:

Land with the RM-8* underlying zoning district:

- Maximum density of 8 dwelling units per acre (gross).
- First unit requires minimum 6,800 square-foot lot.
- Second through eighth units require minimum 5,250 square-foot lots.
- Duplex requires minimum 12,050 square-foot lot (6,800 + 5,250).
- Four-plex requires minimum 22,550 square-foot lot.
- Eight-plex requires minimum 1 acre.

(*In 2024 the RM-8 zoning district has been reenacted as the MR-8 zoning district.)

Land with the R1-8 underlying zoning district:

- Minimum residential lot size is 8,000 square feet.
- Duplex requires minimum 6,000 square feet.
- Non-residential buildings require minimum 12,000 square-foot lot.

Land with the R1-10 underlying zoning district:

- Minimum residential lot size is 10,000 square feet.

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6b. PUD: COPPER CANYON

Enacted by Ordinance 1997-25 (June 18, 1997)
Amended by Ordinance 1999-15 (June 2, 1999)
Development Agreement Approved by Resolution 2012-09 (March 7, 2012)

Location: property located south of 1000 North Street (SR-112) and west of 250 West Street.

Underlying zoning districts: HDR*, R1-7, OS, CG**
(*In 2024 the HDR zoning district has been reenacted as the MR-16 zoning district.)
(**In 2024 the CG zoning district has been reenacted as the GC General Commercial zoning district.)

ZONING REGULATIONS OF THE PUD:

- Rear setback is 15 feet minimum.
- Minimum residential lot size is 6,000 square feet.
- Maximum residential lot count is 494.
- Use is single-family detached only.

(See 2012 Copper Canyon development agreement and amendments.)

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6c. PUD: GLENEAGLES

Enacted by Ordinance 2000-13 (August 2, 2000)

Location: 22.7 acres located near 1000 North Street (SR-112) and 600 West Street.

Underlying zoning districts: GC (7.8 acres), HDR* (14.9 acres)
(*In 2024 the HDR zoning district has been reenacted as the MR-16 zoning district.)

ZONING REGULATIONS OF THE PUD:

See City-approved Gleneagles Preliminary Plan

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6d. PUD: LITTLE MOUNTAIN

Enacted by Ordinance 2006-14 (February 7, 2007)
Repealed by Ordinance 2013-08 (June 25, 2023)

Location: 126 acres on and around Little Mountain.

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6e. PUD: BISON RIDGE

Enacted by Ordinance 2008-02 (April 16, 2008)

Location: Skyline Drive west of Deer Hollow 7

ZONING REGULATIONS OF THE PUD:

- Minimum residential lot size is 12,000 square feet.
- Minimum development pad is 5,000 square feet.
- Front setback is 30 feet minimum.
- Rear setback is 30 feet minimum.
- Side setback is 12 feet minimum.
- Single-family design standards apply.

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6f. PUD: PID*

Enacted by Ordinance 2014-18 (January 7, 2015)
(*TCC Chapter 7-6 allows residential PUDs only.)

Location: Peterson Industrial Depot at former Industrial Area of Tooele Army Depot, Tooele City SW

ZONING REGULATIONS FOR THE PUD:

- Front setback is 10 feet minimum.
- Rear setback minimum is set by the International Building Code and easements.
- Rear setback minimum (corner lot) is set by the International Building Code and easements.
- Side setback minimum is set by the International Building Code and easements.
- Off-street parking: no minimum; set by Zoning Administrator.

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6g. PUD: PAR 4

Enacted by Ordinance 2018-07 (July 18, 2018)

Location: Vine Street west of Droubay Road

ZONING REGULATIONS OF THE PUD:

- Front setback is 25 feet minimum.
- Rear setback is 20 feet minimum.
- Side setback is 5 feet minimum.
- Residential lot size is 4,200 square feet minimum.
- Single-family design standards apply.
- No individual lot fencing except for rear patio screening.

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6h. PUD: COUNTRY VIEW

Enacted by Ordinance 2018-14 (September 5, 2018)

Location: 1000 North Street and 200 East Street (26.67 acres).

ZONING REGULATIONS OF THE PUD:

- Front setback is 20 feet minimum.
- Rear setback is 20 feet minimum.
- Side setback (corner unit facing street) is 20 feet minimum.
- Side setback (interior) is 6 feet minimum; no side setback between conjoined units.
- Garage setback is 20 feet minimum.
- Lot width is 48 feet minimum per unit for conjoined units.
- Lot size is 3,528 square feet minimum per unit for conjoined units.
- Single-family design standards apply.

(Ord. 2024-06, 03-20-2024)

CHAPTER 7-6i. PUD: WESTERN ACRES

Enacted by Ordinance 2020-50 (December 16, 2020)

Location: 1600 North Street and 300 East (86.7 acres).

Underlying zoning districts: MR-16, R1-7.

ZONING REGULATIONS OF THE PUD:

Land with the R1-7 underlying zoning district:

- Lot size is 3,500 square-foot minimum.
- Dwelling size is 800 square-foot minimum.
- Lot width is 42 feet minimum.
- Front setback is 20 feet minimum.
- Side setback is 5 feet minimum.

Land with the MR-16 underlying zoning district:

- Dwelling size is 800 square feet, 2-story, with double garage.
- Setback between buildings is 12 feet minimum.
- Rear-yard setback: for townhouses, 8 feet from property line, but 10 to 20 feet from property lines adjoining public or private rights-of-way.
- Side-yard setback: for townhouses, 1 foot from property line, but 10 to 20 feet from property lines adjoining public or private rights-of-way.
- Exterior materials: eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, and stone.
- Clubhouse: substitute 1,000 square-feet interior social area requirement with additional site amenities.

(Ord. 2025-09, 04-02-2025) (Ord. 2024-06, 03-20-2024)

CHAPTER 7-6j. PUD: LEXINGTON GREENS

Enacted by Ordinance 2022-18 (May 4, 2022)

Location: 1200 North and Franks Drive (33.82 acres).

Underlying zoning district: MR-16.

ZONING REGULATIONS OF THE PUD:

Maximum DU per Lot:

- Lot 101: 72
- Lot 102: 204
- Lot 103: 25
- Lot 104: 56
- Lot 105: 13
- Lot 106: 8
- Lot 107: 18
- Lot 108: 53

(Ord. 2024-06, 03-20-2024)

CHAPTER 7. Repealed. (Ord. 97-21, 06-04-97)

CHAPTER 8. MOBILE HOME PARKS

7-8-1. Purpose.
7-8-1a. Definitions.
7-8-2. Requirements for set-up of manufactured homes in mobile home parks and mobile home subdivisions within Tooele City.
7-8-3. Mobile home parks.

7-8-1. Purpose.

No manufactured home or trailer shall be placed on any tract or parcel of land within the limits of Tooele City other than in mobile home parks or recreational vehicle parks heretofore existing or established in compliance with the terms and conditions set forth herein, not to include, however, land used for parking or storage of a personal trailer not in use, and land used exclusively for the retail sale of manufactured homes. (Ord. 2004-11, 09-15-04); (Ord. 83-05, 04-20-83)

7-8-1a. Definitions.

Words and phrases not defined in this Section shall have the meanings set forth in U.C.A. §58-56-3, if there defined, then in this Code, if defined, or then their commonly understood meanings.

(1) "HUD code" means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

(2) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 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 systems. 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. "Manufactured home" includes in its meaning the term "mobile home" as used in other Titles and Chapters of this Code.

(3) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

(4) "Mobile home park" and "mobile home subdivision" mean those land developments authorized by City approval to contain manufactured homes.
(Ord. 2004-11, 09-15-04)

7-8-2. Requirements for set-up of manufactured homes in mobile home parks and mobile home subdivisions within Tooele City.

(1) A building permit shall be required for the set-up of any manufactured home within a mobile home park. The permit fee shall be as established by resolution of the City Council.

(2) A building permit shall be required for the set-up of any manufactured home in a mobile home subdivision. The permit fee shall be as established by resolution of the City Council.

(3) Manufactured homes set up in Tooele City shall meet the standards of the Utah State Division of Manufactured Housing and Recreational Vehicles and carry the design approval label of the Department of Housing and Urban Development.

(4) Manufactured homes in mobile home parks shall be set up to comply with the following:

(a) the home manufacturer's written specifications; or,

(b) the American National Standard, Manufactured Home Instructions Guide (NCSBCS/ANSI A225.1).

(c) All manufactured homes shall be skirted in an approved manner.

(d) Stairs and landings serving manufactured homes shall conform to Section R311 of the International Residential Code.

(e) Electrical services shall meet the requirements of the current edition of the National Electrical Code, and the power company.

(f) Sewer and water connections shall meet the requirements of the International Plumbing Code and the Tooele City Sewer and Water Departments.

(g) Gas equipment and installations shall conform to requirements of the International Fuel Gas Code and the gas supplier.

(h) Alterations or additions to manufactured homes shall not be made except when a permit is first obtained from the Division of Manufactured Housing and Recreational Vehicles, Utah State Department of Business Regulation and a building permit obtained from the Tooele City Building Official.

(5) Manufactured homes in mobile home subdivisions shall be set up to comply with all of the foundation, site, and other requirements applicable to single-family dwellings.

(6) Notwithstanding other requirements of this chapter to the contrary, a mobile home located in a mobile home park in Tooele City may be relocated to an existing space in another mobile home park when the relocation is necessitated by the closing of the former mobile home park by its owner. A copy of a written contract or notice shall be sufficient evidence of closure to allow the relocation. A mobile home may not be relocated to a mobile home subdivision or building lot. A relocated mobile home shall comply with all of the permitting requirements of this Chapter and all applicable Codes.
(Ord. 2005-16, 06-15-2005); (Ord. 2004-11, 09-15-04); (Ord. 83-05, 04-20-83)

7-8-3. Mobile home parks.

No person shall set aside any tract or parcel of land within Tooele City designed for use as a mobile home park except in zones provided in this Title and upon compliance with the following provisions and conditions.

(1) Concept: The proposed development shall be submitted in accordance with Title 7, Chapter 19, of the Tooele City Code, and at a regularly convened meeting of the Planning Commission. The developer shall provide a map showing the proposed layout of the development including buildings, streets, lot lines, etc. The developer shall also provide floor plans, elevation views and architectural renderings of all proposed buildings and structures. The Planning Commission shall then grant or deny concept approval based upon the criteria set forth at Title 7, Chapter 19, of the Tooele City Code.

(2) Plat: A preliminary plat for each proposed mobile home park shall be prepared by a professional engineer or architect for approval pursuant to the following procedures and requirements:

(a) At least ten (10) business days prior to a Planning Commission meeting, the applicant shall submit to the Community Development Department a minimum of five (5) copies of a preliminary plat with appropriate attached exhibits for the proposed mobile home park or recreational vehicle park which shall contain the following information:

(i) Proposed boundary lines indicating bearings and distances for the park.

(b) The location, width, and purpose of all easements of the park, either existing or proposed. The names, right-of-way widths and locations of all streets proposed or existing, indicating the type, width and elevation of surfacing.

(c) The type, width, and elevation of proposed or existing walks, curbs, gutters, and culverts, and any legally established centerline elevations.

(d) The location and size of all sanitary sewer lines and water lines existing or proposed in the tract.

(e) Water courses, marshes, rock out-croppings, wooded areas, isolated preservable trees one (1) foot or more in caliper at one (1) foot above ground level, houses, barns, shacks, or other significant features existing upon the premises.

(f) Other conditions on adjacent ground, including approximate direction and gradient of ground slope, character and location of buildings, railroads, power lines, towers, and uses. If any adjacent ground is platted as a subdivision, indicate the subdivision name, recording data, approximate percent of build-up, typical lot size, and dwelling type.

(g) Lot lines, lot dimensions, lot numbers, and block numbers, if any.

(h) Sufficient information to show the direction of flow of surface drainage and the means of disposal.

(i) Sites, if any, to be reserved or dedicated for schools, parks, playgrounds, or other public uses.

(j) Sites, if any, for all service buildings and other accessory structures on the premises.

(k) Site data, including number of residential lots, typical lot size, acres in the park, proposed name of the park, location by section, township and range, name and address of the applicant, name and address of the planner or engineer, title, scale, northpoint, and date. The scale shall be one hundred (100) feet to the inch.

(l) The location of all fire hydrants, street lights, proposed shrubbery and trees, boundary fences or landscape screens, driveways, sidewalks, and parking areas.

(m) The protective covenants for the park, if any.

(n) A letter from each utility company involved in the park addressed to the Planning Commission upon letterhead of the utility company, stating that the preliminary plan has been reviewed and any comments regarding the utility service design and easements.

(o) An exact copy of a preliminary report of a title insurance company, a title insurance policy of an attorney's opinion brought to date of the application, setting forth the names of all property owners of property included in the park as shown as the preliminary plat, as well as mortgages, judgments, liens, easements, contracts, and other clouds affecting title to the premises. The City may require all persons having an interest in the premises as disclosed by the report, policy, or opinion, to join in and approve of the park application.

(p) When a proposed street of the park will intersect a State or a County highway, or a railroad, written consent of the appropriate authority having jurisdiction over said highway or railroad shall be submitted.

(q) If the proposed park is being submitted to a federal agency for federally guaranteed loans, grants, or aid, copies of all application forms and addenda must be attached.

(3) Conditions for approval by Planning Commission: The minimum conditions required for final approval of all mobile home park plats are as follows:

(a) The minimum number of spaces to be completed and ready for occupancy during the first phase of development shall be ten (10).

(b) The intent of a mobile home park is for a long-term residential occupancy; therefore, no space shall be rented for a period of less than thirty (30) days, except in those portions of the park which are especially approved as a recreational vehicle area.

(c) Service buildings, including a park office building, automatic laundry and dry cleaning facilities, beauty shops, and barber shops may be permitted in the park, subject to the following:

(i) The buildings and their yard areas and parking areas shall not occupy over ten percent (10%) of the net area of the park.

(ii) The buildings shall be designed in keeping with the residential character of the district, and shall be so located and designed as to serve the needs of the persons residing within the park only.

(iii) There shall be no evidence of the nature of the commercial services offered, such as display windows or signs.

(iv) No advertising of any type shall be allowed outside the park premises.

(4) Off-street parking area shall be provided at the rate of at least two (2) vehicle spaces for each manufactured home lot.

(5) There shall be a completely landscaped buffer area of at least twenty-five (25) feet in width, completely surrounding the mobile home park and the park shall be fenced with a sightly fence as approved by the Planning Commission of at least five (5) feet in height.

(6) There shall be at least twenty (20) feet between manufactured homes, and at least fifteen (15) feet between an individual manufactured home and the common sidewalk, street and parking areas, or other common areas of the park. There shall be at least a ten (10) foot rear yard for each manufactured home on each lot on which an accessory building is to be allowed. No accessory building shall exceed eighty (80) square feet in area. Awnings are allowed on all four (4) sides of manufactured homes as an attachment to the side thereof, provided there is at least ten (10) feet from the awning to any manufactured home on an adjoining lot. Any enclosure of an awning area shall meet the building code requirements of the City.

(7) All mobile home parks shall be provided with safe and convenient vehicular access from abutting major public streets and access shall be designed to minimize congestion and allow free flow of traffic on such adjacent streets. The entrance road connecting the park with a public street shall have a minimum paved width of thirty-four (34) feet. Internal streets shall have a minimum paved width of twenty-four (24) feet; and if parallel parking is permitted on the streets, the minimum paved width shall be forty-four (44) feet. No parking shall be permitted on the access road to the public street.

(8) Concrete sidewalks shall be provided from all manufactured home sites to all parks, streets and common areas.

(9) A drainage system shall be provided to completely handle all surface drainage within the park in a manner approved by the City Engineer.

(10) The City may require mobile home parks to provide and maintain landscaped recreational areas of a minimum size of one-hundred (100) square feet per lot, space in such configuration as is deemed reasonable considering the nature and intended use of the park. There shall be no neon, illuminated flood-lighted or flashing or moving signs. All signs shall be kept to an absolute minimum, and no sign shall exceed nine (9) square feet in area.

(11) All other provisions of the City ordinances and building codes respecting the standards of construction and licensing of mobile home parks shall be complied with.

(12) Where a mobile home park has direct access to a major highway, the Planning Commission may approve the use of a portion of the park as a recreational vehicle park, provided the requirements of the recreational vehicle park chapter of this Title are met. The Planning Commission shall have authority to approve site plan development of all mobile home parks and recreational parks and may impose any additional conditions, including increasing the above standards and requiring the approval of operating and management standards which are found by the Commission to be necessary to insure the proper development of the park in accordance with the area wherein it is proposed to be located.

(13) Repealed.

(Ord. 93-04, 05-04-93)

(14) Repealed.

(Ord. 93-04, 05-04-93)

(15) Approval by Planning Commission: Approval may be granted the applicant by the Planning Commission if the Commission has found that the proposed development is in keeping with the character of the district within which it is located and will not prevent the proper use of adjoining properties for the purpose which is contemplated by the existing zoning classification, nor will its establishment change the character of the area in which it is proposed to be located by reason of increased congestion, increased density, increased traffic, etc.

(a) The applicant shall be present at the Planning Commission meeting at which the application is submitted for approval. All changes, amendments, and additions to the plat required by the Commission at the meeting, if any, shall be made by the applicant prior to the Commission's approval of the plat.

(b) The applicant, upon completion of the above, within one (1) year of approval of the preliminary plat shall prepare a final plat to be submitted to the City Council for approval, which shall include all required changes, amendments or additions of the Planning Commission and which shall include all information indicated as required on the plat. Prior to submission to the City Council, the plat shall be submitted to the City Attorney for approval as to form and completing of all preliminary procedures.

(c) The plat shall be signed by each member of the Planning Commission and the City Council voting for the approval, and shall indicate thereon whether each said member voted for or against the approval. The plat shall likewise be signed by the Chief of Police, the Fire Chief, Community Development Director, Public Works Director, City

Engineer, Health Officer, and City Attorney, indicating their approval of the plat. The signatures of all parties indicated herein, except the City Councilmen, shall be subscribed on the plat prior to the submission of the plat to the City Council for its final approval. In order for the plat to be approved by the Planning Commission and the City Council, at least a majority as defined by law of the members of each body in attendance at the meeting wherein the vote for or against approval was taken shall vote in favor of approval.

(16) Final approval by Tooele City Council: Upon receiving approval of the plat by the Planning Commission, the applicant shall submit the same to the City Council for its concurrence in approval. The applicant shall personally be present at the Council meeting where said plat is presented for final approval. Action must be taken by the Council within two (2) months after the meeting at which the final plat has been submitted for its approval. The Council may extend the two (2) month period upon a two-thirds (2/3) vote of its members. Upon approval, the plat shall be signed by each member of the Council voting for approval, and shall indicate thereon whether each said member voted for or against the approval. Any failure to act by the Council shall be deemed a denial of the said submission.

(17) (1) The subdivider shall deliver to the City the fully executed final plat within ninety (90) days of final plat approval. Failure to fully execute the final plat, or to deliver the fully executed final plat to the City, within the specified ninety (90) days, shall result in the automatic revocation of, and shall void, the final plat approval.

(2) Tooele City shall record all final plats with the Tooele County Recorder.

(Ord. 2004-11, 09-15-04); (Ord. 87-24, 01-02-88; Ord. 86-19, 11-11-86; Ord. 83-05, 04-20-83)

CHAPTER 9. RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

7-9-1. Purpose.
7-9-1a. Definition.
7-9-2. Location and use.
7-9-3. Approval.
7-9-4. Recreational vehicle park development application.

7-9-1. Purpose.

To permit development of facilities for recreational vehicles in appropriate districts and to require that recreational vehicle accommodations will be of such character as to promote the objectives and purposes of this Title, to protect the integrity and character of the districts contiguous to those in which recreational vehicle parks are located, and to protect other use values contiguous to or near recreational vehicle park uses. (Ord. 83-05, 04-20-83)

7-9-1a. Definition.

"Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle. "Recreational vehicle" includes a travel trailer, a camping trailer, a motor home, a fifth wheel trailer, and a van. (Ord. 2010-14, 11-03-10)

7-9-2. Location and use.

(1) No recreational vehicle as herein defined shall be located, placed, used, or occupied for residential purposes in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein. Each person residing in a recreational vehicle in violation of this Section and each property owner permitting persons to reside in a recreational vehicle on the owner's property is guilty of a class C misdemeanor. Each day of residence shall be a separate offense.

(2) Recreational vehicle parks shall be generally located:

(a) Adjacent to or in close proximity to a major traffic artery or highway.

(b) Near adequate shopping facilities.

(c) Within or adjacent to a mobile home park.

(3) No individual space in a recreational vehicle park shall be used by one individual vehicle for more than thirty (30) consecutive days, nor shall such space be rented or leased to any one individual for a period longer than thirty (30) days.

(4) Recreational vehicles may be stored, but not used for permanent living quarters.

(5) Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in a Commercial or Manufacturing district when such use is a permitted or a conditional use.

(6) Recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:

(a) The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.

(b) The recreational vehicle use area shall have direct access to a collector or arterial street.

(c) Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission. (Ord. 2010-14, 11-03-10); (Ord. 83-05, 04-20-83)

(7) Notwithstanding the foregoing provisions of this Section, in addition to recreational vehicle parks, recreational vehicles may be accommodated for up to two weeks in the parking lot of a homeless shelter facility that has paved parking available while sevices are being rendered. The two-week time period must consist of consecutive days, for up to 14 nights. Once accommodated, the same recreational vehicle shall not be accommodated again for 6 months. In addition, the homeless shelter:

(a) Within 24 hours after arrival of the recreational vehicle at the facility, must notify the Tooele City Police Department of the arrival date and time of the vehicle, the vehicle identification number, and that the facility intends to accommodate the vehicle within the meaning of this Subsection;

(b) Must provide a meal a day to those staying in the recreational vehicle;

(c) Must provide access to showers and bathrooms for those staying in the recreational vehicle.

(d) May only allow two recreational vehicles at any given time;

(e) Must allo the accumulation of garbage, refuse, or unsightly or deleterious objects. The homeless shelter may be found in violation of any applicable City Code jointly and severally with any individuals responsible for the violations.

(f) Will be responsible for the cost of an impound if mechanical failure occurs to the recreational vehicle.

(g) May not allow any storage of any recreational vehicle for any purpose other that the one described in this Section (7).

Within the meaning of this subsection, a homeless shelter is a facility that provides temporary shelter for individuals experiencing homelessness operating 24 hours a day, 7 days a week. A homeless shelter is not an overflow shelter, micro-shelter community, correctional facility, behavioral health transition facility, psychiatric, or medical facility.
(Ord. 2025-32, 04-01-2026)

7-9-3. Approval.

A recreational vehicle park may not be constructed unless first approved by the Planning Commission and City Council, after review of plans for said park which satisfy the Commission that the proposed development will:

(1) Be in keeping with the general character of the district where it is proposed to be located.

(2) Be located on a parcel of land containing not less than five (5) acres, unless attached to a mobile home park, in which case no minimum area is required.

(3) Have at least ten (10) spaces completed and ready for occupancy before first occupancy permit is issued.

(4) Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations which are intended to apply to trailer, camper, and ten camps as defined in such Code.

(5) Be designed by a professional architect, engineer or land surveyor.

(6) Contain not more than twenty (20) units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual trailer spaces, roads or parking, shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants of the development and of visitors thereto. (Ord. 83-05, 04-20-83)

7-9-4. Recreational vehicle park development application.

(1) An overall plan for development of a recreational vehicle park shall be submitted to the planning commission for review. The plan shall be drawn to a scale not smaller than one inch to 50 feet. At least six copies of the plan shall be submitted. The plan shall show:

(a) the topography of the site, when required by the planning commission, represented by contours shown at not greater than two foot intervals;

(b) the proposed street and recreational vehicle space pad layout, with convenient means of vehicular and pedestrian access to recreational vehicles, parking areas and accessory buildings, including access for firefighting equipment, delivery trucks, and garbage trucks, as well as occupant's automobiles;

(c) tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of trailer spaces and total area to be developed;

(d) proposed location, number, and design of parking spaces and accessory buildings;

(e) a generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines, and fire hydrants;

(f) any other data the city engineer or planning commission may require.

(2) Applications for approval shall be in writing, submitted to the planning commission.

(3) It shall be the duty of the city engineer to investigate and examine all such premises to determine that licenses or keepers thereof have complied with the provisions of this Code.

(4) Every licensee of such premises shall keep a daily register of all guests or tenants of such premises. The register shall be available at all times and for one year thereafter for inspection by Tooele City.

(5) After the installation of all required improvements and service facilities in accordance with specifications as indicated by a statement from the city engineer, and upon the payment of a fee as per an adopted schedule, which fee shall be effective for the balance of the calendar year in which it is issued, the city recorder shall issue a license to operate a recreational vehicle park.

(6) Upon the recommendation of the city engineer, and after a hearing and due cause shown at such hearing, the city council may refuse to grant any license under this Chapter and may revoke any license theretofore issued. It shall be unlawful for any person to operate any recreational vehicle park after the revocation of the license; provided, that all applicants or licensees shall be given a reasonable notice of any hearing as specified in this Chapter.

(7) The City is hereby authorized to make and to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this Chapter provided, that such regulations shall not be in conflict with the provisions of this Chapter, and the penalty for violation of the provisions thereof shall be the same as the penalty for violation of any provisions of the Code.

(8) The license to conduct or maintain a recreational vehicle park shall be conspicuously displayed in the recreational park office located upon the premises.

(9) The dimensions and improvement specifications of recreational vehicle parks shall be as follows:

(a) Each recreational vehicle space shall be not less than 1,250 square feet in area and shall be at least 25 feet wide. All spaces shall be clearly marked and shall be accessible from all sides. Only one recreational vehicle shall be parked in one recreation vehicle space.

(b) The minimum spacing between recreational vehicles and between recreational vehicles and buildings shall be as follows:

(i) side-to-side spacing, 15 feet;

(ii) end-to-end spacing, ten feet.

(c) No recreational vehicle shall be located closer than 25 feet from the right-of-way line of a street or highway nor closer than ten feet from the recreational vehicle park boundary.

(d) All roads within the recreational vehicle park shall be at least 20 feet wide, exclusive of parking space, and shall be continuous.

(e) Each recreational vehicle space shall be provided with parking space of not less than 200 square feet for at least one vehicle, exclusive of roadways.

(f) Walks of not less than three feet in width shall be provided from the entrance exclusive of roadways.

(g) In any recreational vehicle park designed for, or licensed to permit, one or more dependent recreational vehicles, service buildings shall be provided within 200 feet from any such recreational vehicle space as follows:

(i) There shall be separate men's and women's toilet rooms, distinctly marked and separated by a sound-resistant wall. A vestibule or screen shall be provided to prevent direct view into toilet rooms when exterior doors are open.

(ii) For each ten dependent recreational vehicles or fraction thereof, there shall be:

(a) one laundry tray or washing machine;

(b) for men, one water closet, but urinals may be substituted for one-third of the number of required water closets; one lavatory or wash basin; one bathtub or shower; one sink with hot and cold running water;

(c) for women, one water closet; one lavatory or wash basin; one bathtub or shower; one sink with hot and cold running water;

(iii) All water closets and bathtubs for women and water closets and bathtubs for men shall be located in separate compartments. Gangtype shower compartments may be used for men. The room containing the laundry units shall be separated from the toilet rooms and have an exterior entrance only.

(iv) Heating facilities capable of maintaining a temperature in the service buildings of 70 degrees Fahrenheit in cold weather shall be provided.

(h) Hot water facilities capable of maintaining a continuous supply of two to three gallons of 180 degrees hot water per trailer shall be provided.

(i) Mechanical laundry drying equipment or laundry drying yards of at least 50 square feet per recreational vehicle space shall be provided.

(j) Fly-tight and rodent-tight containers of not less than 20 gallons capacity shall be provided and maintained for each recreational vehicle space.

(10) Utilities, including culinary water, sewage electricity, shall be available to each recreational vehicle space. (Ord. 94-56, 01-31-95); (Ord. 88-18, 07-06-88); (Ord. 83-05, 04-20-83)

CHAPTER 10. PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

7-10-1. Purpose.
7-10-2. General provisions.
7-10-3. Performance standards procedures.
7-10-4. Enforcement provisions applicable to all uses.
7-10-5. Nonconforming uses.
7-10-6. Locations where determinations are to be made for enforcement of performance standards.
7-10-7. Dangerous and objectionable elements.

7-10-1. Purpose.

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past. (Ord. 83-05, 04-20-83)

7-10-2. General provisions.

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements". No use shall be undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the district in which such use is situated. (Ord. 83-05, 04-20-83)

7-10-3. Performance standards procedures.

The City Engineer may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter. (Ord. 83-05, 04-20-83)

7-10-4. Enforcement provisions applicable to all uses.

Initial and continued compliance with performance standards is required to every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the City Engineer against any use if there are reasonable grounds to believe that performance standards are being violated by such use. (Ord. 83-05, 04-20-83)

7-10-5. Nonconforming uses.

For purposes of this Title, any use established before the effective date of this Title and nonconforming as to performance standards shall have five (5) years in which to conform therewith. (Ord. 83-05, 04-20-83)

7-10-6. Locations where determinations are to be made for enforcement of performance standards.

(1) The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

(a) In any district, except an M-District, at the lot line of the establishment or use.

(b) In an M-District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than an M-District. (Ord. 83-05, 04-20-83)

7-10-7. Dangerous and objectionable elements.

(1) Repealed. (Ord. 91-26, 12-12-91)

(2) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified herein.

(3) Odors. No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ration of one volume of odorous air to four of clean air at points of measurement specified herein, or at the point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system so control will be maintained if the primary safeguard system should fail. (There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds", in Chap. 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)

(4) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified herein. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions

of this Title.

(5) Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.

(6) Radioactivity or Electrical Disturbances. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance.

(7) Smoke. No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.

(8) Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers. (Ord. 91-26, 12-12-91; Ord. 83-05, 04-20-83)

CHAPTER 11. DESIGN REVIEW

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7-11-1. Purpose.

The intent and purposes of design review include securing the general purposes and policies of this Title and providing that buildings, structures, and the development of land does not impair the orderly and harmonious development of neighborhoods.

It shall not be the intent of this Chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail, design, color, or materials proposed by the applicant, except where doing so would enhance the general appearance and compatibility of the development with its surroundings and in such areas where detailed regulations further the specific land use policies of the City, e.g., Gateway Overlay areas, Downtown Overlay areas. Compatibility of development shall include accessibility considerations.

(Ord. 1998-24, 08-05-1998) (Ord. 97-30, 08-06-1997) (Ord. 1983-05, 04-20-1983)

7-11-2. Application and review.

All applications for building permits for all buildings and structures, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans drawn to scale, which shall show building locations, fences, off-street parking and circulation, location and size of adjacent streets, North arrow and property lines, major exterior elevations, building materials, proposed exterior color scheme, existing grades, proposed new grades, and other information requested by the City Engineer. All such drawings and sketches shall be accompanied by the items described in Section 7-11-7, and be reviewed and approved by the City Engineer, the Accessibility Committee, and the Fire Chief, which review and approval shall form the basis of the recommendations required by Section 7-11-6.

(Ord. 1998-24, 08-05-1998) (Ord. 97-30, 08-06-1997) (Ord. 1983-05, 04-20-1983)

7-11-3. Inspection.

The Building Inspector is authorized to inspect, or to have inspected, all buildings and structures in the course of their construction, modification, or repair, and to inspect land uses to determine compliance with zoning provisions and conditional use permit and other development approval conditions. The Building Inspector or authorized agent is authorized to enter any building for the purpose of determining its use, or to enter any premises for the purpose of determining compliance with this Title, provided that such right of entry is to be used only in a reasonable time and manner. In no case shall entry be made to any occupied building in the absence of the owner or tenant thereof, without written permission from the owner or written order of a court of competent jurisdiction.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-4. Occupancy permit required.

Land, buildings, or premises in any zoning district shall hereafter be used only for a purpose permitted in the district and in accordance with district regulations. A permit of occupancy shall be issued by the Building Official to the effect that the use, building, or premises will conform to provisions of this and related codes prior to occupancy, for any building erected, enlarged, or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued regulating any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses. A permit shall be issued only upon compliance by the applicant with the provisions of this Code.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-5. Exceptions.

For buildings and uses regulated by a conditional use permit, subdivision, or planned unit development approval, design review shall be incorporated within such approval and need not be a separate application, provided the requirements of this Chapter are fully satisfied.

(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-6. Approval.

The Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general policies and objectives of this Title, and shall give or withhold approval accordingly. Before making

this determination, the Planning Commission shall receive the written recommendations of the City Engineer, the Accessibility Committee, and the Fire Chief. Such recommendation may be by letter, memorandum, or signature on the plans.
(Ord. 1998-24, 08-05-1998) (Ord. 1994-56, 01-31-1995) (Ord. 1988-18, 07-06-1988)

7-11-7. Site plans required.

A detailed site plan shall be filed as part of any application, prior to request for a building permit. It shall show and be accompanied by the following information:

(1) Scale of plan, and direction of North point.

(2) Lot lines, adjacent streets, roads, easements, rights-of-way.

(3) Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned.

(4) Location of proposed construction, with location and dimension of all signs.

(5) Motor vehicle access, circulation patterns, parking, and curb, gutter, and sidewalk location.

(6) Necessary explanatory notes.

(7) Name, address, telephone number of builder and owner.

(8) The affidavit of the applicant that the site plan satisfies the requirements of the Americans with Disabilities Act standards for accessible design, as contained in 28CFR36, Appendix A.

(9) Required public improvements.

(10) All other information required as determined by the City Engineer.
(Ord. 1998-24, 08-05-1998) (Ord. 1997-30, 08-06-1917) (Ord. 83-05, 04-20-1983)

7-11-8. Considerations in review of applications.

The City shall consider the following matters, among others, in their review of applications:

(1) Considerations relating to traffic safety and traffic congestion:

(a) The effect of the site development plan on traffic conditions on abutting streets.

(b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.

(c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.

(d) The location, arrangement, and dimensions of truck loading and unloading facilities.

(e) The circulation patterns within the boundaries of the development.

(f) The surfacing and lighting of off-street parking facilities.

(g) The effect of the site development plan on traffic conditions for uses within the development, including compliance with Chapter 4-8 of the Tooele City Code.

(2) Considerations relating to outdoor advertising, including the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with neighboring development.

(3) Considerations relating to landscaping:

(a) The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with neighboring development, or to conceal storage areas, utility installations, or other unsightly development.

(b) The planting of low or no water irrigation required ground cover or other surfacing to prevent dust and erosion.

(c) The unnecessary destruction of existing healthy trees.

(d) The planting of sod or seeded grass turf shall be prohibited in industrial zones.

(e) The planting of sod or seeded grass turf in commercial and mixed-use zones shall be limited to areas intended, designed, and constructed for active recreation, activity, and similar areas.

(f) Areas desired for the decorative, aesthetic or appearance of grass or turf that are not intended, designed, and constructed for active recreation, activity, and similar areas shall utilize artificial turf.

(g) All plantings outside of allowable turf areas shall utilize drip-style irrigation systems.

(4) Considerations relating to buildings and site layout:

(a) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to neighboring development.

(b) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on streets, line and pitch of roofs, and the arrangement of structures on the parcel.

(5) Considerations relating to drainage, including the effect of the site development plan on the adequacy of the storm and surface water drainage, retention, and/or detention.
(Ord. 2023-22, 06-07-2023) (Ord. 2021-03, 01-20-2021) (Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-9. Considerations.

The Planning Commission, or the City Engineer, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of this Chapter as the Planning Commission or City Engineer deem reasonably necessary under the circumstances to carry out the intent of this Chapter.
(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-10. Time limitations on approval; extension.

If construction in harmony with the permit for any development for which design approval has been

granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application an extension of time may be granted by the Planning Commission.
(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-11. Conformance to approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto. Nonconformance shall be grounds for refusing to issue, or revoking, an occupancy permit.
(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-12. Modification.

No modification in the site plan may be made without the prior approval of the Planning Commission under the regular approval procedure provided by this Chapter. All shall satisfy the requirements and intent of this Chapter. The Planning Commission may revoke or modify a design approval which does not conform to all provisions of the approved permit.
(Ord. 1998-24, 08-05-1998) (Ord. 1983-05, 04-20-1983)

7-11-13. Bonds and bond agreements for public improvements.

All public improvements, as defined in Section 7-1-5, required by the City as part of the approved site plan shall comply with the bonding requirements of Section 7-19-12. No building permit shall be issued without verification from the City Attorney that a satisfactory bond and bond agreement have been provided by the applicant.
(Ord. 1998-24, 08-05-1998)

7-11-14. Reimbursement.

All site plan approvals shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with Tooele City Code §7-19-13.
(Ord. 2005-06, 05-18-2005) (Ord. 2000-02, 01-19-2000)

7-11-15. Water Rights.

All site plan approvals are conditioned upon compliance with the water rights conveyance requirements of Title 7, Chapter 26. No building permit shall be issued without verification from the Public Works Director that the required water rights have been conveyed to and accepted by the City.
(Ord. 2000-02, 01-19-2000)

7-11-16. Failure to act.

Should the applicant for any submitted application under this Chapter fail to resubmit corrected plans or application materials from any City review of the application within 180 calendar days from the return of that City review, the application shall be considered abandoned. Prior to an application being deemed abandoned, the Community Development Department shall provide to the applicant a notice of potential abandonment at least 30 calendar days prior to abandonment. Following abandonment, the City shall determine the expended portion of fees paid through all efforts involved with the application up to and including the process of abandonment and all unexpended application fees refunded to the applicant. For the purpose of entitlements by this Chapter, abandoned applications shall be considered as if having never been submitted for review. An abandoned application may be resubmitted as a new application at any time following abandonment, including the payment of new application fees and a complete package of application materials, and shall be subject to all requirements applicable at the time of the new submission.
(Ord. 2021-02, 01-20-2021)

CHAPTER 11a. DESIGN STANDARDS: MULTI-FAMILY RESIDENTIAL

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7-11a-1. Defined Terms.

The following terms, as used in this Chapter, shall be defined as follows:

(1) "Alcove" means a recess or small room connected to or forming part of a larger room.

(2) "Arch" means a curved structure for spanning an opening, designed to support a vertical load.

(3) "CC&Rs" means covenants, conditions, and restrictions.

(4) "Column" means a pillar with a cylindrical shaft.

(5) "Common Area" means Project areas that are commonly owned and/or commonly used by Project residents, that allow for recreational and leisure activities, that are located generally interior to, between and around buildings. Areas and items not included in Common Area include parking areas, roadways, dumpster pads and enclosures, equipment pads, and other developed, non-landscaped areas. See Figure 1 for examples of Common Area.

(6) "Context and Setting" means that set of existing natural and manmade landmarks and structures adjacent to and near a proposed Project.

(7) "Department" means the Community Development Department or successor department.

(8) "Design Elements" means factors, features, elements, and considerations related to building and Project design.

(9) "Director" means the director of the Community Development Department, or designee.

(10) "Dry-Scape" means landscaped areas, plants, and materials that do not require more than drip irrigation, and includes the term "Xeriscape." "Dry-Scape" is not intended to be and does not include a waterless design.

(11) "Elements" has the same meaning as "Design Elements".

(12) "Eave" means the underside or lower edge of a roof overhang.

(13) "Facade" means a two dimensional view of any building face.

(14) "Gable" means a triangular section of wall at the end of a pitched roof, or a triangular ornamental seat over a window or door.

(15) "Gambrel" means a ridged roof divided on each side into a shallower slope above a steeper one.

(16) "Keystone" means the wedge-shaped element at the center, crown, or top of an arch, serving to lock all of the other elements of the arch into place.

(17) "Land Use Plan" means the Land Use Element of the current Tooele City General Plan.

(18) "Landmarks" means off-Project items or structures of visual prominence that are associated with a certain geographic area or development.

(19) "Lintel" means a beam supporting the weight above a door or window.

(20) "Net Developable Area" means the entire Site minus areas dedicated for public rights-of-way, interior roads, dumpster enclosures, and pathways.

(21) "Pediment" means a wide, low-pitched gable, usually over an entry.

(22) "Pier" means a vertical support structure such as a wall between two openings.

(23) "Pilaster" means a rectangular column, projecting slightly from the wall.

(24) "Pillar" means an upright, relatively slender shaft or structure used as a support or standing alone as a monument.

(25) "Porch" means an exterior appendage to a building forming a covered approach or vestibule to a doorway.

(26) "Portico" means a porch or walkway with a roof supported by columns often leading to the entrance of a building.

(27) "Pre-existing" means in place or in effect prior to the date of Project Application.

(28) "Project" means the full scope of a multi-family residential development project, including, but not limited to, site improvements, associated off-site and right-of-way improvements, buildings and Common Areas.

(29) "Project Plan" means that set of documents comprising an Application for a Multi-Family residential development Project, including, but not limited to, all information and documents required by this Chapter.

(30) "Shutter" means a louvered awning which is

angled to shade a window from direct sunlight and glare while preserving the outside view and admitting soft, diffused light.

(31) "Standards" means the Multi-Family Residential Design Standards contained in this Chapter.

(32) "Surrounding Property" means all properties touching, adjacent to, affected by, or generally within the area of a Project.

(33) "Trim" means a finished woodwork or the like used to decorate, border, or protect the edges of openings or surfaces.

(34) "Wainscot" means a facing of finish material which typically covers the lower portion of a wall.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-2. Purpose and Scope.

(1) Purpose. The purpose of this Chapter is to establish minimum development standards for Projects that include multi-family dwellings. These standards are intended to ensure that such development is well-buffered from and compatible with adjacent property, serves the needs of occupants thereof, and retains long-term viability and quality through economies of scale. Further, the purposes of the Standards include the following:

(a) To achieve the goals and objectives of the General Plan.

(b) To implement the policies of the General Plan, including the principles stated in the Land Use Plan.

(c) To guide the general configuration and appearance of buildings and Projects consistent with the General Plan.

(d) To preserve the valuations of buildings and Projects, as well as the valuations of the Surrounding Properties.

(e) To encourage an aesthetic appearance that serves to achieve the goals, objectives, policies, and principles of the General Plan and this Chapter.

(f) To provide a fair, equitable, and predictable process for the evaluation of Project applications.

(g) To improve the quality of life of multi-family residents by improving the quality of Projects and buildings.

(h) To recognize the fact that architectural and design considerations have a significant impact on the quality of life of Multi-Family residents and on property valuations.

(i) To recognize the distinct geographic, historical, and other contexts that make Tooele City unique, and to encourage Multi-Family development to do the same through building and Project design.

(2) Scope.

(a) The requirements of this Chapter shall apply to all Projects that include multi-family dwellings. This includes but is not limited to residential condominium projects, townhomes, apartments, or other housing types located within any development, subdivision or project within the City.

(b) The requirements of this Chapter are intended to apply to all Projects that include multi-family dwellings in addition to all other applicable regulations, and the requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Tooele City Code and other laws. In the event of a conflict between the provisions of this Chapter and any other provisions of this Title, the Tooele City Code or other law, the more restrictive regulation shall apply.

(3) Multi-Family Residential Dwellings Directly Associated with Residential Support Programs.

(a) Notwithstanding anything to the contrary, the multi-family residential component of a project that qualifies as a Residential Support Program, as defined by Utah State Code, will be subject to the modified standards set forth in subsection 7-11a-2(3)(b) below provided that:

(i) the project has a fully executed Federal Low-Income Housing Tax Credit Reservation Agreement with Utah Housing Corporation or the current Federal Low-Income Housing Tax Credit allocating agency for the State of Utah;

(ii) the project conforms to the density requirements for the zone in which the project is located; and,

(iii) the project conforms to all other multi-family residential design standards as set forth in Chapter 7-11a.

(b) Projects meeting the requirements set out in subsections 7-11a-2(3)(a)(i) through (iii) will have the following modified standards:

(i) the project may include studio units with a minimum size of 400 square feet each;

(ii) the project may include one-bedroom units with a minimum size of 575 square feet each;

(iii) the project may include two-bedroom units with a minimum size of 800 square feet each; and,

(iv) the parking ratio applicable to the project shall be 1 uncovered stalls per unit.

(Ord. 2021-35, 09-15-2021) (Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005)

7-11a-3. General Provisions.

(1) Development Standards. All multi-family Projects shall be subject to the terms and regulations of this Chapter as set forth in this Section and shall comply with the development standards contained in this Chapter.

(2) The purposes of the standards do not include an intent to arbitrarily dictate color, materials, style, theme, and other similar considerations, but to provide parameters within which the above purposes can be fulfilled.

(3) Nothing in this Chapter shall be construed to limit the City's exaction authority.

(4) Each Project shall include the creation of an association, or other legal mechanism acceptable to the City, with responsibility for, and authority to require and enforce, the permanent maintenance of all common ownership areas, including but not limited to amenities, landscaping and fences, in good condition so as to present a healthy, neat, and orderly appearance.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-4. Project Application, Procedure.

(1) Any person desiring to develop a Multi-Family Project shall submit to the Department a completed Application and Project Plan in conformance with Tooele City Code Chapter 7-11, Site Plan and Design Review.

(2) The Application shall consist of the following information and documents, among others:

(a) Site plan showing the Project, including the configuration of all buildings and other improvements.

(b) Site plan showing the Project and all existing public improvements, utilities, and structures within a distance of 150 feet from any Project property line.

(c) Architectural rendering showing the Project and the configuration of buildings and other improvements.

(d) Architectural rendering showing building elevations including all exterior details, proposed color schemes, and Design Elements.

(e) Architectural rendering showing the Project and all existing public improvements, utilities, and structures within a distance of 150 feet from any Project property line.

(f) All building floor plans anticipated to be used.

(g) Landscape plan which illustrates lighting accommodation for automobile and pedestrian networks and amenities.

(h) Lighting plan.

(i) Parking plan.

(j) Signage plan.

(k) Pedestrian pathway and wheelchair access plan.

(l) Storm water management plan.

(m) Plans identifying at least the following:

(i) location of existing or planned utilities including street lights, utility boxes, mail boxes, fire hydrants, electric meters, gas meters;

(ii) street centerline, curb, gutter, sidewalk;

(iii) property lines;

(iv) required setbacks;

(v) dimensioned curb cuts and driveways; and,

(vi) existing and proposed grades with two-foot contours.

(n) Condominium CC&Rs, if the building contains dwelling units for sale.

(o) Form of Project common ownership agreement if not covered by the CC&Rs.

(p) Other information and documents reasonably required by the Department.

(q) All schematics and drawings shall be to a scale of 100 feet to the inch, but additional schematics of higher or lower scales may be submitted.

(r) A final proposed color palette for all buildings, structures and fencing within the project.

(3) An Application that does not contain all of the information required by this Chapter, including the payment of application fees, shall be deemed incomplete, and shall not constitute a Project Plan, and shall not be accepted.

(4) A Project Plan shall include consideration of the following Project site design Elements, among others:

(a) The coordination and integration of internal pedestrian, bicycle, and vehicular circulation routes, parking areas, and building entries.

(b) The arrangement and adequacy of on-site and off-street parking.

(c) The location and dimensions of dumpsters and other similar structures.

(d) The location, type, and dimensions of walls and fences.

(e) The coordination of the Project with existing or planned right-of-way alignments and street improvements.

(f) Sight distances from and to Project streets and driveways.

(5) A Project Plan shall include consideration of the following Project landscape Design Elements, among others:

(a) The manner in which challenges and questions regarding sensitive lands, as defined in Tooele City Code Chapter 7-12, will be avoided, mitigated, or otherwise resolved.

(b) The manner in which Project landscaping will conceal or screen unsightly areas, including ground-mounted utility infrastructure.

(c) The location and types of hedges and other screen plantings.

(d) The manner in which the finish landscaping will be maintained.

(e) The manner in which sound and sight buffers will be incorporated both within the Project and on the Surrounding Property.

(f) The manner in which Common Area will be incorporated relative to buildings, parking areas, and internal circulation.

(6) A Project Plan shall include consideration of the following Project site grading and drainage Elements, among others:

(a) The manner in which on-site grading and drainage provides slope and soil stabilization, prevents erosion, and minimizes off-site impact.

(b) Plans for soil removal, fill work, retainage, soil stabilization, and erosion control.

(c) Plans for plantings, ground covers, and/or shrubbery as a means to prevent dust, stabilize soils, and control erosion.

(d) Integration and preservation of existing and proposed storm drainage ways, channels, and culverts.

(e) The maintenance of drainageways, channels, and culverts on and through the Project.

(7) A Project Plan shall include consideration of the following Project utility Elements:

(a) The incorporation of utility systems in a manner that does not detract from building or Project appearance.

(b) The size, location, and maintenance of service systems.

(c) The location of electrical and telephone service systems.

(d) The location and screening of transformers

and pad-mount mechanical and electrical equipment.

(e) The location and sizes of all utility lines, manholes, poles, underground cables, gas lines, wells, and similar installations and facilities.

(f) Utility service systems maintenance.

(8) At the time of Application, a Project applicant shall pay all site plan review and other fees approved by Resolution of the City Council.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005)

7-11a-5. Context and Setting.

(1) Projects shall be designed so as to preserve and incorporate the Site's natural features and other features contributing to a Project's Context and Setting, such as, natural grade, natural vegetation, natural storm water and flood, proximity to historical structures and areas, and the Surrounding Property (e.g., zoning, existing development).

(2) Projects shall be designed so as to recognize existing natural and manmade Elements and Landmarks, where such Elements and Landmarks are consistent with the Purposes of this Chapter, by including in the Project Plan such Elements as are similar in appearance, design, and purpose.

(3) A Project shall be designed so as to possess a functional relationship of the Project to its Context and Setting.

(4) A Project incorporating existing registered historical structures shall utilize the historical features, aesthetic elements, design, and architectural elements in redevelopment. Adjacent projects are encouraged to incorporate the same into adjacent developments.

(Ord. 2019-08, 03-20-2019) (Ord 2018-13, 08-15-2018) (Ord. 2005-05, 03-02-2005)

7-11a-6. Design Standards: Building Orientation.

(1) As a general rule, buildings shall be oriented to the public rights-of-way and to internal circulation systems, in that order of priority.

(2) For energy efficiency and resident comfort, buildings shall be oriented so as to minimize east/west exposures and should utilize landscaping to create shade as a heat control mechanism.

(3) Buildings and other structures shall be placed in a manner so as to minimize impairment to lines-of-sight for pedestrian, bicycle, and vehicular traffic.

(4) Common Areas shall be located between all buildings so as to encourage relatively even building distribution on the Site and to discourage concentration of buildings on any part of the Site. See **Figure 1** for examples of Common Areas.

(5) Setbacks for Multi-family dwelling buildings shall be within the range of ten to 20 feet from the edge of the public or private right-of-way. Variation in setback shall also be provided from internal roads and parking areas according to the same standard.

(a) No more than 25% of buildings along the same frontage shall be allowed at the minimum of the setback range.

(b) Variation in setback shall be not less than five feet between adjacent buildings along the same setback.

(c) For projects with front loading garages and driveways, the garage door shall be setback at 20 feet from the right-of-way or accessing road to allow for tandem driveway parking.

(d) The setback range shall be 15 feet to 30 feet when:

(i) the proposed structure is three or more stories; or

(ii) the project is adjacent to an existing or proposed arterial or collector street as shown on the Master Transportation Plan.

(e) Development on corner lots shall comply with the provisions of Section 7-2-11 of the Tooele City Code in which the sight line at an intersection shall not be obstructed.

(f) Setbacks between buildings shall not be less than one-half of the total height of the taller of the buildings between which the measurement applies as measured from finished grade to the peak of the roof pitch.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-7. Design Standards: Vertical Alignment.

(1) Building rooflines shall be distinguished by incorporating alignment elements, such as:

(a) stair-stepped rise and/or fall in the roofline;

(b) castle-top rise and fall in the roofline;

(c) roof pitch;

(d) gable; and,

(e) gambrel windows.

(2) Unit Definition. Multi-family buildings shall include design features that differentiate adjoining units and create identity for each unit. This goal shall be achieved through the following requirements:

(a) Multi-family Projects shall include a variety of unit sizes.

(b) Multi-family Projects shall include a variety of heights which may include roofline stair-steps or castle-top rises.

(i) Long, continuous rooflines greater than 50 feet shall not be permitted.

(ii) To encourage height variation, multi-family buildings shall be allowed to exceed the maximum allowable height by no more than three feet for no more than 50% of the building's units, except that in no event shall structures adjacent to a less intensive land use exceed the maximum allowable height within 50 feet of the Project boundary line adjacent to the less intense land use.

(3) Each roofline stair-step or castle-top rise and/or fall shall be at least 24 inches in height.

(4) See **Photo Group 1** for examples of Roofline Alignment Elements.

(5) Rooftop heating, air conditioning, and other mechanical equipment shall be screened from the view of pedestrians or drivers from a horizontal distance of not less than 200 feet in all directions from buildings, at street level, with screening materials, design, and color similar to the supporting rooftop.

(6) Vent stacks, pipes, and other similar features shall be black or of a color similar to the supporting rooftop.

(7) Roofs and gables shall have a slope of at least a 1-to-4 ratio, or 22.5 degrees. Shallower or flat roofs are prohibited.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-8. Design Standards: Horizontal Alignment, Facades.

(1) Front building facades, and rear facades of buildings backing onto a public street, shall be articulated by incorporating wall projections and recesses, AND at least two of the following horizontal alignment elements, as described in this Section:

(a) Vertical elements. See Photo Group 3 for examples.

(i) Two or more pillars, columns, pilasters, or other similar Vertical Elements, of at least 18 inches each in width; and,

(ii) Corner treatments such as quoins, columns, pilasters or other Design Elements. See Photo Group 4 for examples.

(b) Wainscot.

(c) Windows and balconies.

(2) Side building facades shall incorporate wainscot where wainscot is incorporated on any other building facade, and incorporating at least one window per dwelling unit, as described in this Section.

(3) Wall projections and recesses. See **Photo Group 2** for examples.

(a) Wall projections and recesses are sections of building facade that project out from the front vertical plane of the building, or recess into the front horizontal plane of the building.

(b) Dimensions.

(i) Projecting and recessed facade sections shall be at least as wide as a dwelling unit on the first fully or partially above-ground building floor.

(ii) Each facade projection and/or recess shall be at least 24 inches deep.

(c) Quantity. The number of projecting and/or recessed front facade sections shall be as follows:

(i) At least one for buildings with three or less dwelling units on any building story.

(ii) At least two for buildings with four or five dwelling units on any building story.

(iii) At least three for buildings with six or more dwellings units on any building story.

(4) Wainscot. See **Photo Group 5** for examples.

(a) Wainscot and trim along the entire building facade.

(b) The wall areas above and below the wainscot trim shall be of different colors and/or materials.

(5) Windows and Balconies. See **Photo Group 6** for examples.

(a) Bay and/or box windows: at least one in the front building facade for each one ground-floor dwelling unit.

(b) Balconies: at least one for each one dwelling unit above the ground floor.

(6) For purposes of this Chapter, covered dwelling unit entrances are not considered horizontal alignment elements.

(7) There shall be a roof overhang at the eaves and gable ends of not less than 12 inches, excluding rain gutters, measured from the vertical sides of the building. The roof overhang requirement shall not apply to areas above porches, alcoves, and other appendages.

(8) Exposed foundation walls shall not exceed four feet above the finished grade at any point along the foundation.

(9) Rear and side building facades that face upon a public street shall be designed as though a front facade.

(10) Townhouse or other in-line oriented multi-family unit buildings shall have no more than eight contiguous units without a separation in the building of at least the minimum side yard setback prescribed by the zoning district or the structural separation required by the Building Code, whichever is greater. Buildings containing apartment, condominium or other horizontally and vertically contiguous multi-family units shall be allowed up to 16 ground floor units with a maximum of eight ground floor units along any one building facade.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-9. Design Standards: Windows.

(1) Front facade windows, and rear facade windows of buildings backing onto a public street, shall include the use of one or more of the following window elements:

(a) Shutters, of a color different than the wall sections adjacent to the shutters, and/or

(b) At least one of the following window trim elements:

(i) Trim, at least four inches in width, of a color different than the wall sections surrounding the window, and/or

(ii) Arches and trim, at least four inches in width, of a color different than the wall sections surrounding the window, and/or

(iii) Lintels, of a color different than the wall sections surrounding the windows.

(2) Windows on facades other than those described in the previous Subsection shall include trim, at least two inches in width, of a color different than the wall sections surrounding the window.

(3) See **Photo Group 7** for examples.

(4) For all Design Elements identified in this Chapter that require a calculation of a facade area, windows shall be excluded from that area calculation.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-10. Design Standards: Building and Dwelling Unit Entries.

(1) All open building entries (i.e., without doors) shall be clearly designated with lighted directional and/or building identification signage.

(2) All closed building entries (i.e., with doors) and dwelling unit entries located on exposed building facades

(i.e., not located on a breeze-way internal to a building or between otherwise connected buildings) shall be covered with a portico, pediment, or similar covering that is architecturally integrated into, not merely attached to, a building. See **Photo Group 8** for examples. Covers shall be of dimensions sufficient to cover one person standing at the entry.

(3) All dwelling unit entries shall utilize trim, at least four inches in width, of a color different than the wall sections surrounding the entry.

(4) Building entries shall be directly accessible from a publicly-owned sidewalk or a privately-owned pathway open to the public.

(5) Buildings may not have stairwells or stair cases of more than six stairs leading directly to or from dwelling unit entries.

(6) All multi-family dwelling units that include a front-facing attached garage shall have the garage door be of a color matching that of the color palette of the unit's front facade.

(Ord. 2020-45, 11-18-2020) (Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-11. Design Standards: Project Entrances.

(1) All Project vehicular entrances shall include a signed, lighted entry monument identifying the Project. See **Photo Group 9** for examples.

(2) Acceptable monument materials include rock, brick, masonry, stucco, and finished wood.

(3) All monuments shall include lighting that illuminates the sign portion of the monument.

(4) Monument sign lettering shall be solid and opaque.

(5) Monument design shall incorporate a variety of plants, including ground cover, flowers, shrubs, and trees.

(6) All Project entrances shall incorporate ADA accessible crosswalks, pathways, and accesses.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-12. Design Standards: Landscaping.

(1) Purpose: The intent of Project landscaping is to provide a variety of plant materials to give color and texture to the Project, to frame views, to screen undesirable views, and to create areas of public space that encourage positive human interaction using creative design and selective planting types that use little or no water with an emphasis on regular and thorough maintenance of landscaped areas.

(2) Design. All landscaping shall be designed by a licensed landscape architect or similarly qualified licensed professional, and installed by a licensed landscaping contractor in accordance with this Chapter and general landscaping industry standards.

(3) Land Use Buffers. Landscaping shall be used as a buffer in areas between multi-family developments and differing adjacent land uses.

(4) Interior Setback. All Projects shall incorporate a landscaped area at least ten feet between buildings and all interior roadways and parking areas. Sidewalks and pathways shall not count towards this requirement.

(5) Percentage. At least 25% of each Site shall be landscaped. This requirement may be reduced to 20% if at least 25% of the 20% landscaping is dry-scape requiring low or no water for irrigation. Areas landscaped with no irrigation artificial turf shall count as dry-scape.

(6) Quantity. The plantings throughout multi-family Projects are intended to enhance and beautify community appearance and to protect welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful effects associated with some uses. The following shall be required for areas of the Project.

(a) Trees. In areas excluding right-of-way and park strip requirements the developer shall install at least 20 trees per acre of development.

(i) Trees shall include a 60/40 ratio of deciduous and coniferous varieties.

(ii) 40% of required trees shall be located within 100 feet of any public right-of-way or exterior street and shall include park strip trees.

(iii) 40% of required trees shall be located in or adjacent to common areas with a dedicated recreational purpose.

(iv) Parking lot trees shall be planted in accordance with the parking lot landscaping requirements as found in TCC 7-4-9, Parking Lots, Section 3, Landscaping.

(v) All trees shall be irrigated utilizing a bubbler or drip irrigation system.

(vi) Tree varieties shall be of a type or species that is a known performer and will thrive in Tooele's climate and soil conditions.

(b) Shrubs. The developer shall install around the foundations of each building a planter bed at least five (5) feet in depth and shall include the following:

(i) At least a 50/50 ratio of deciduous and coniferous varieties of shrubs.

(ii) At least 50 shrubs per acre of development.

(iii) All shrubs shall be irrigated utilizing a bubbler or drip irrigation system.

(7) The landscaping plan for a Project shall consist of ground covers, shrubs and planting beds, and trees. Projects shall provide a landscaping plan that consists of at least 25% ground cover that is sod, grass or other surface material that provides a playable surface and a maximum of 75% may be planted with such ground covers. For the purpose of this calculation fall surfaces around play equipment may be considered as a playable ground cover surface.

(8) Types. Landscaping includes trees, shrubs, groundcover, flowerbeds with perennial flowers, dry-scape, and grass. New trees shall be at least two-inch caliper measured at the base of the tree and at least six feet in height measured from the top of the root ball. Drought tolerant and water-wise landscaping that utilizes drip-style irrigation systems when irrigation is required and plantings that need little to no water is highly encouraged. Sod, seeding, and natural grass turf shall be limited strictly to areas design and dedicated as active and usable spaces such as recreation and activity amenities.

Artificial turf shall be utilized in areas where a sod-like appearance is desired but are not intended for use as active and usable spaces.

(9) Projects shall be designed to incorporate existing mature trees (i.e., ten or more years old, or four-inch caliper trunk measured at the base of the tree). The minimum required number of new trees in any Project area (i.e. Common Area) may be reduced by three for every existing mature tree preserved and incorporated into that area of the Project.

(10) Landscaping used to satisfy any one requirement of this Section shall not be construed to satisfy any other requirement. Each requirement shall be satisfied independent of any other unless otherwise specified.

(11) Irrigation.

(a) All landscaped areas shall incorporate permanent, automated, irrigation systems that shall:

(i) Utilize water consumption reducing mechanisms or devices, such as, low-volume sprinkler heads, drip emitters, and bubbler emitters; and,

(ii) Utilize water saturation sensors or other mechanisms or devices that prevent over-watering; and,

(iii) Irrigate trees and shrubs with drip irrigation; and,

(iv) Reduce wasteful and unnecessary water usage.

(b) Trees and shrubs shall be located in similar water usage demand zones.

(12) Maintenance. Each Project shall include the creation of an association, or other legal mechanism acceptable to the City, with responsibility for, and authority to require and enforce, the permanent maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat, and orderly appearance.

(a) Dead trees, shrubs, and other plantings shall be replaced within 60 days, or by November 1, whichever is earlier.

(b) Grassy areas shall be treated in a manner so as to discourage weed growth.

(c) For the purposes of compliance with this Chapter, artificial grass which emulates natural grass may be substituted for natural grass provided that maintenance is established for the regular cleaning of the surface and period replacement of the artificial grass as needed.

(13) Parking areas. All landscaped areas shall be separated from parking and drive surfaces by a curb.

(14) Multi-family redevelopment projects within an existing registered historical building shall have no landscaping requirements specific to the historical building beyond those landscaping areas previously established with and around the building. Those previously established landscaping areas shall be developed according to the provisions of this Section.

(15) Storm water basins, including detention and retention basins, shall be landscaped and maintained as a part of the Project landscaping. Basins shall be landscaped with the need for low or no water demand using dry scapes, water-wise and drought tolerant plantings on drip-style irrigation systems, and artificial turf for areas were a grass or sod appearance is desired. Landscaping within basins shall not include sod, seeding or natural grass turf unless intended, designed, and constructed to include active recreational purposes as approved by the Tooele City Parks and Recreation Department. Basins intended, designed, and constructed to include active recreational purposes shall be designed with 5:1 maximum slopes around the perimeter so provide for appropriate access and egress. Basins not intended, designed, and constructed to include active recreational purposes shall be designed with 3:1 maximum slopes around the perimeter.

(Ord. 2023-44, 01-03-2024) (Ord. 2023-22, 06-07-2023) (Ord. 2019-08, 03-20-2019) (Ord. 2018-13, 08-15-2018) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-13. Design Standards: Parking and Internal Circulation - Apartment Buildings.

(1) Parking areas shall be contained within the interior of the Site or under or within the buildings. Parking areas shall be no closer to a public right-of-way or exterior road than 20 feet or the setback of the closest building to that same road, whichever is greater.

(2) Direct access to parking areas shall be from internal roads, not from a public road.

(3) Parking areas of six or more spaces shall be effectively screened from public streets and Surrounding Property. Screening may be with fencing, berming, or landscaping, which landscaping may be credited to the Common Area landscaping percentage requirements contained in this Chapter.

(4) The predominant view from the public roads shall be buildings, not parking areas.

(5) Parking structures, including garages, shall utilize materials, colors, and design similar to those of the nearest building.

(6) Covered parking shall utilize colors and design similar to those of the nearest building.

(7) At least one required resident parking space per unit shall be provided as a covered or enclosed parking space.

(8) All required parking for residents and visitors shall be provided within the Project, exclusive of roads and rights-of-way, and:

(a) resident spaces shall be made available to all residents and their visitors as a part of their residency without additional charge or restriction;

(b) resident spaces may be assigned for the dedicated use of the tenants of specific units;

(c) resident spaces may be restricted from use by non-residents or visitors; and

(d) visitor spaces shall be dispersed throughout the Project.

(9) Rows of parking shall not include more than 12 spaces without a landscaping break of not less than five feet. These breaks are encouraged to include pedestrian pathways where reasonable for access around and through the Project and to buildings.

(10) Roads on the interior of a Project, whether proposed or intended to be public or private, shall comply with Section 4-8-2 of the Tooele City Code. Standards

for private roads shall not be subject to the provisions of Section 7-11a-25 herein.

(11) A traffic impact study shall be required for all multi-family Projects planned to contain 50 or more units, or as otherwise required by the City Engineer.

(Ord. 2022-31, 08-17-2022) (Ord. 2021-03, 01-20-2021) (Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-13.1 Design Standards: Parking - Townhouses, Condominiums.

(1) Townhouses and condominiums shall provide the number of off-street parking spaces required by Section 7-4-4 and Table 7-4-1 of this Title.

(2) Fully-enclosed garages of minimum dimension of 20 feet deep and 10 feet wide per garage space may count toward required off-street parking, as shown in Table 7-11a-13.1, below.

(3) Driveways of minimum dimension of 20 feet long and 10 feet wide each may count toward required off-street parking, as shown in Table 7-11a-13.1, below.

(4) Off-street parking spaces, including garages and driveways, associated with one unit shall not count toward the off-street parking spaces required for another unit.

(5) Where a driveway is provided for a unit, a pedestrian walkway between the driveway and the unit primary entrance shall be provided.

(Ord. 2025-14, 05-21-2025) (Ord. 2022-31, 08-17-2022)

Table 7-11a-13.1

Garage Space Scenario	Garage Space Counting Toward Parking
One-car garage without driveway	1 parking space
One-car garage with one-car driveway	1 parking space
Two-car garage without driveway	2 parking spaces
Two-car garage with one-car driveway	2 parking spaces
Two-car garage with two-car driveway	4 parking spaces (i.e. 2 for unit + 2 visitor)

(Ord. 2025-14, 05-21-2025) (Ord. 2022-31, 08-17-2022)

7-11a-14. Design Standards: Signage.

(1) Tooele City Code Chapter 7-25, regarding signage, shall apply to all Projects except as expressly provide otherwise by this Chapter.

(2) Building signage shall be designed as an integral architectural part of building design.

(3) Project signage. See the Subsection, herein, relating to Project Entrances.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-15. Design Standards: Lighting.

(1) Security and other lighting shall be sufficient to illuminate every building entrance, pedestrian pathway, and parking area.

(2) Theme Lighting. Lighting and light fixtures utilized throughout the Project to illuminate streets, pathways, parking areas, building entrances, and building facades shall be consistent and thematic in terms of their design, placement, and brightness.

(3) Building lighting. Buildings shall be illuminated with a minimum of one wall-mounted light fixture per ground-floor building and dwelling unit entrance.

(4) Building Area Lighting. Where any building is located more than 30 feet from a public street, additional lighting shall be provided by way of free-standing lighting fixtures located in the Common Area and/or other area between the buildings and public streets.

(5) Common Area. Common Areas shall be lighted to illuminate an area with a radius equal to the distance between the approximate Common Area center and the nearest building by installing lighting fixtures.

(6) Street Lights. If a pre-existing abutting public street is not lighted, the Project Plan shall include regularly-required street lights.

(7) Parking Areas. Each parking area shall be illuminated for safety by installing lighting fixtures, with a maximum fixture height of 16 feet.

(8) Lighting used to satisfy any one requirement of this Section shall not be construed to satisfy any other requirement. Each requirement shall be satisfied independent of any other.

(9) Glare and shielding. All lighting shall be shielded so as not to shine into adjacent buildings or Surrounding Property and to reduce glare and waste.

(10) Light pollution. Lighting shall be designed and installed such that light will not spill onto the Surrounding Property. All exterior lighting shall comply with Tooele City Code Chapter 7-30, regarding light pollution and waste.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-16. Design Standards: Utilities.

(1) All new utilities shall be placed underground. Pre-existing above-ground utilities located on the Project side of public streets, or on the Site, shall be relocated underground.

(2) Pad-mounted transformers and/or meter box locations shall be screened with landscaping or building materials similar to Project walls, fences, or buildings.

(3) All building and ground-mounted utility infrastructure, such as meters, shutoffs, junction boxes and transformers, shall be coordinated with the respective utility companies such that their final determined locations are shown on the application plans submitted for approval. Such infrastructure shall also be planned for such that their location minimizes their visibility from outside the Project and shall be screened using architectural features or landscaping.

(4) Storm water detention and/or retention facilities shall be incorporated into, and be designed as part of, the

landscaping plan.
(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-17. Design Standards: Walls and Fences.

(1) The Project perimeter property line shall be fenced, except for the portions of the Project that abut a public street.

(2) Perimeter fencing shall utilize colors and design similar to those utilized for buildings.

(3) Allowed fencing materials include natural or cultured stone masonry, brick masonry, split-faced block masonry, decorative pre-case concrete panel, stucco, vinyl, and other similar materials.

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

(a.) Exception for Existing Adjacent Fencing. In limited and specific circumstances, Community Development Director may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all the following conditions were met:

(i.) The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.

(ii.) The proposed fencing is not visible from major arterial or collector roadways, as determined by the City's Transportation Master Plan.

(iii.) The proposed fencing material, color, and overall design are consistent with the standards outlined in the section and compatible with surrounding development.

(iv.) The modification results in a cohesive and compatible appearance with the existing adjacent fencing.

(v.) The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.

(5) Prohibited fencing materials include chain link, barbed wire and other wire materials, wood, and cinder block masonry, except where covered by stucco or brick masonry.

(6) Sight-obscuring privacy fencing shall be provided along Project boundaries abutting properties zoned for or developed with non-multi-family uses. All other Project boundaries, when proposed for fencing, shall be fenced with minimally sight-obscuring fencing, such as split rail fencing, that creates an open and inviting atmosphere with openings that permit access from adjacent streets.

(7) Examples of allowed fencing materials and vertical sections are shown in **Photo Group 10**.
(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-18. Design Standards: Building Materials.

(1) Front and Public Street Facing Facades. Exterior building materials shall be natural or cultured brick or stone over at least 40% percent of the front facade (not including windows and doors). All building facades that face a public right-of-way or exterior street shall utilize at least 40% natural or cultured brick or stone.

(2) All remaining space on front and street facing facades, as well as facades not facing a public street shall comply with the following:

(a) shall utilize at least two of the following exterior building materials. Stucco, clapboard, board and batten, wood, masonry block, vinyl, metal panels, tile, aluminum, shake, terra cotta and/or composite materials.

(b) Not more than 70% of the exterior building facade not requiring brick or stone shall be covered by one of the exterior materials listed above.

(3) Townhomes. Each townhouse facade shall include a portion of the required 40% brick or stone.

(4) Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.
(Ord. 2026-12, 06-03-2026)(Ord. 2023-44, 01-03-2024) (Ord. 2022-17, 05-04-2022) (Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-19. Design Standards: Color.

Colors selected for buildings, parking structures, dumpster enclosures, fences, and other structures and materials shall serve to achieve the purposes of the General Plan and this Chapter, particularly earth tone colors, and shall take into consideration a Project's Context and Setting. Each building facade shall incorporate not less than two colors per elevation, with front building facades and rear building facades facing onto a public street incorporating not less than three colors each.
(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-20. Design Standards: Vents.

(1) Where vents are utilized, whether functional or faux, on a building facade, the vents shall be of the same colors, materials, and style as the building facade upon which the vents are mounted, but shall be of a color different than the wall sections surrounding the vents, or shall be trimmed with a color different than the wall sections surrounding the vents.

(2) See **Photo Group 11** for examples.
(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-21. Design Standards: Dumpster Enclosures.

(1) Garbage dumpsters and receptacles shall be enclosed on all sides with opaque screening materials. For at least the three non-vehicular access sides, screening materials shall be masonry (but not cinder block or smooth face block). Screening materials for the dumpster enclosure gate shall be vinyl or other solid, opaque materials.

(2) Dumpster enclosures shall utilize the same colors and materials as the buildings.

(3) Dumpsters and waste collection shall be located

within a rear or interior side yard and may otherwise be located as suitable to minimize noise, dust, odors, or other nuisances and provide for safe collection.

(4) Dumpster enclosures shall be located so as to not interrupt, encroach upon, or interfere with the Project's vehicular or pedestrian pathways or parking areas.

(5) Dumpster enclosures shall be designed to minimize the public view thereof by placement interior to the Project.

(6) Dumpster enclosures shall include landscaping on at least two sides. Landscaping shall consist of shrubs, vines, and/or Dry-Scape.

(Ord. 2019-08, 03-20-2019) (Ord 2018-13, 08-15-2018) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-22. Design Standards: Common Areas.

(1) Common Areas shall incorporate Design Elements that encourage frequent, safe use of the Common Area by Project residents and visitors. Common Areas shall be incorporated in the development plans such that it is made available to everyone residing in the boundaries of the development.

(2) Common Areas between any two adjacent buildings shall be of sufficient dimensions to accommodate pedestrian pathways, landscaping, and area for activities.

(3) Common Area shall be landscaped in accordance with the Landscaping Design Standards, above. Common Area may include pathways, patios, recreational activity areas, picnic tables, pavilions, gazebos, and water features. All areas containing play equipment shall include fall material to a depth of at least 12 inches or a depth required by the manufacturer, whichever is greater.

(4) The playground facilities are private Project improvements and shall not entitle the Project to a credit against City impact fees.

(5) Common Area shall include functional Design Elements, such as, seating and tables for eating, trash receptacles, patios, recreational activity areas, picnic tables, pavilions, gazebos, and water features which shall be accessible to all residents including to the disabled and to children, and which shall be designed in relation to trees and tree groupings for shade and to pedestrian pathways for access. Areas provided for recreational activities shall be open areas free from trees or other Design Elements with grass or other appropriate surfacing, but not rock or mulch materials, that allows for general play or activity. Open areas for recreational activities may be associated with gathering spaces such as pavilions, seating, picnic or eating areas.

(6) Amenities. Centrally located amenities shall be provided for all multi-family Projects.

(a) Projects of fewer than 50 dwelling units shall provide an amenities package including at least one amenity from the following list.

(i) Tot lot / play structure.

(ii) Courtyard with benches, picnic tables and BBQ areas with shade structures.

(iii) Swimming pool (indoor or outdoor).

(iv) Sports courts (i.e. tennis, basketball, volleyball).

(v) Other active or passive recreational areas that meet the intent of this standard.

(b) Projects of 51 to 100 dwelling units shall include two amenities listed in Subsection (6)(a) plus a minimum of one functional social area, inside or outside, of not less than 1,000 square feet in gathering space.

(c) Projects of 101 to 150 dwelling units shall include two amenities listed in Subsection (6)(a) plus a minimum of one inside social area of not less than 1,000 square feet in gathering space and a minimum of one outside covered social area of not less 1,000 square feet in gathering space.

(d) Projects containing 151 units or more shall include those amenities identified in Subsection (6)(c) plus one additional amenity listed in Subsection (6)(a) for every 50 units or portion thereof thereafter.

(e) Projects located on properties identified by any City master plan to contain or are adjacent to corridors for trails shall incorporate and construct the trails pursuant to the terms of the master plan.

(7) Phasing. Projects proposed to be constructed in phases shall design for amenities needed for a total buildout prior to approval of the first phase. Amenities may be constructed such that amenities are implemented as phases include the number of units requiring those amenities. Amenities shall be constructed and completed prior to the completion and occupancy of the phase that necessitates those amenities.

(8) Slope Areas. A maximum of 25% of a Project's slope areas in excess of 30% can be included in the required area calculation for Common Space provided that all slope areas in excess of 30% are preserved from disturbance. Inclusion of sloped area in the calculation of required Common Space is intended to be complimentary and shall not relieve the requirement for the provision of amenities, pathways, or any other Common Space requirement.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-23. Design Standards: Pedestrian Pathways.

(1) All improved pathways shall be ADA accessible.

(2) Crosswalks shall utilize materials and colors different than the road sections that the crosswalks traverse.

(3) All Sites shall incorporate continuous, ADA accessible pedestrian pathway that provides direct access to each building, Common Area, parking area, and public sidewalk.

(4) Pedestrian pathways shall be provided between development access points, entryways, gathering nodes, parking areas and linking the Project to surrounding neighborhoods.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-24. Design Standards: Zoning.

Cross reference Tooele City Code Chapter 7-14 for questions of zoning, including allowed uses, required setbacks, and maximum building heights.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012)

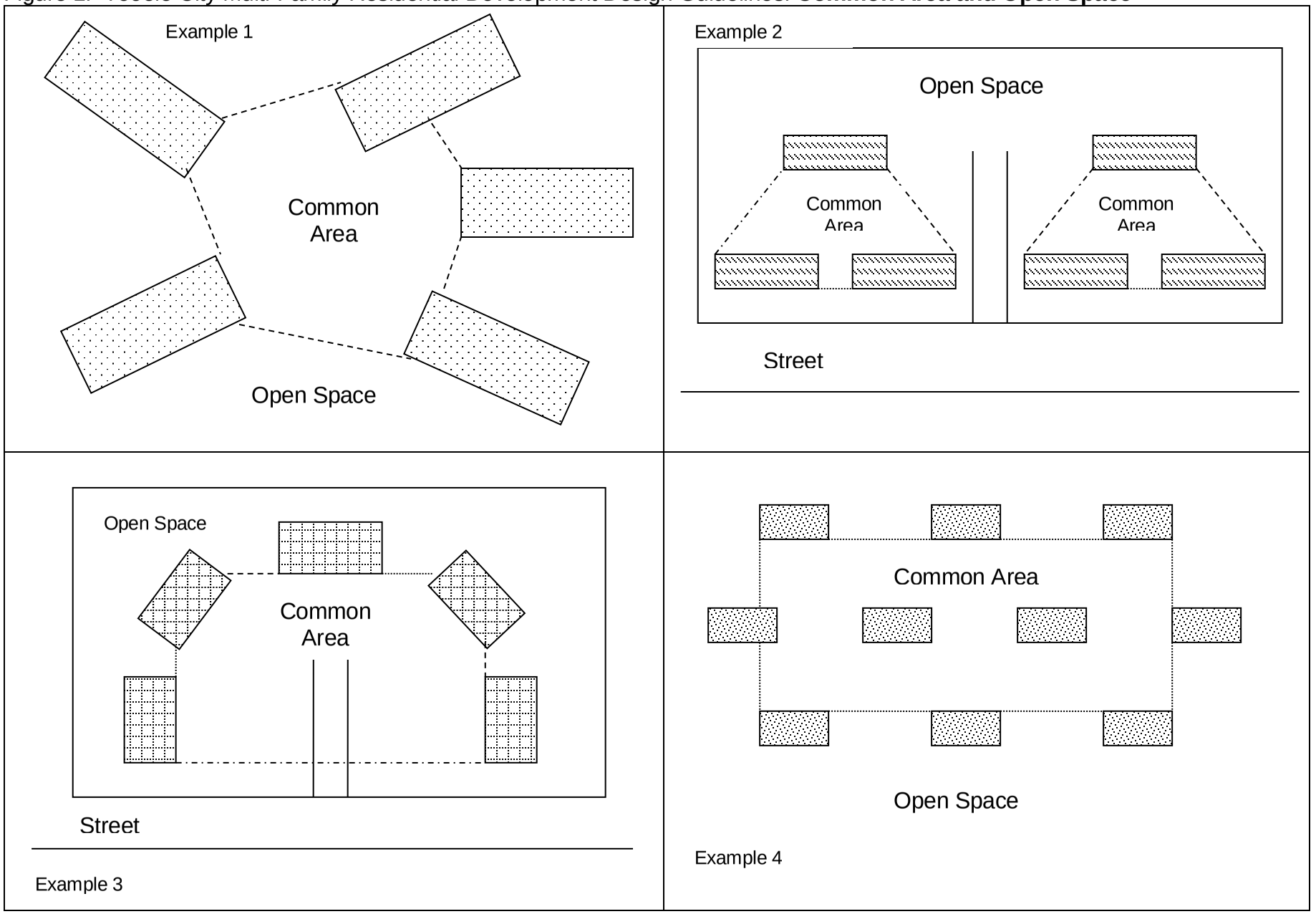
(Ord. 2005-05, 03-02-2005)

7-11a-25. Deviation From Design Standards.
(Repealed. Ord. 2023-44, 01-03-2024)

7-11a-26. Figures.
Figure 1: Common Area
(Ord. 2020-45, 11-18-2020) (Ord. 2019-08, 03-20-2019)
(Ord. 2005-05, 03-02-2005)

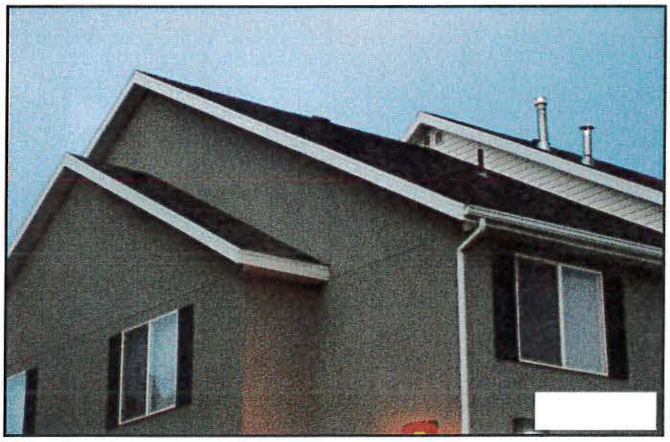
7-11a-27. Photo Groups.
Photo Group 1: Roofline Articulation
Photo Group 2: Wall Projections and Recesses
Photo Group 3: Vertical Elements
Photo Group 4: Corner Treatments
Photo Group 5: Wainscot
Photo Group 6: Windows and Balconies
Photo Group 7: Windows
Photo Group 8: Building and Dwelling Unit Entries
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Photo Group 10: Fencing
Photo Group 11: Vents
(Ord. 2020-45, 11-18-2020) (Ord. 2019-08, 03-20-2019)
(Ord. 2005-05, 03-02-2005)

Figure 1. Tooele City Multi-Family Residential Development Design Guidelines: **Common Area and Open Space**



§7-11a-27. Photo Group 1: Roofline Articulation Elements









§ 7-11a-27. Photo Group 2: Wall Projections & Recesses

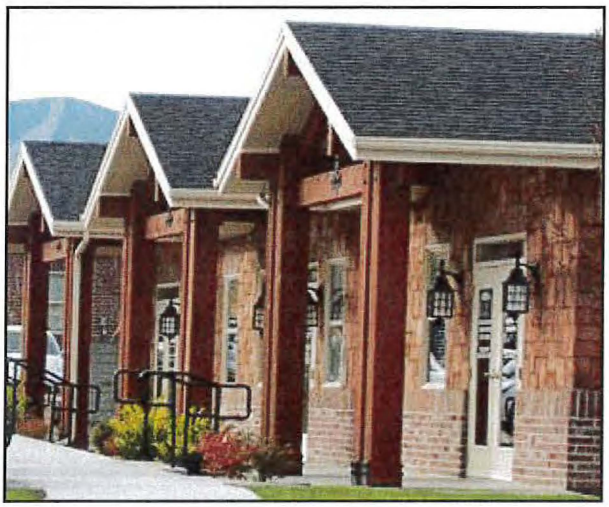








§7-11a-27. Photo Group 3: Vertical Elements



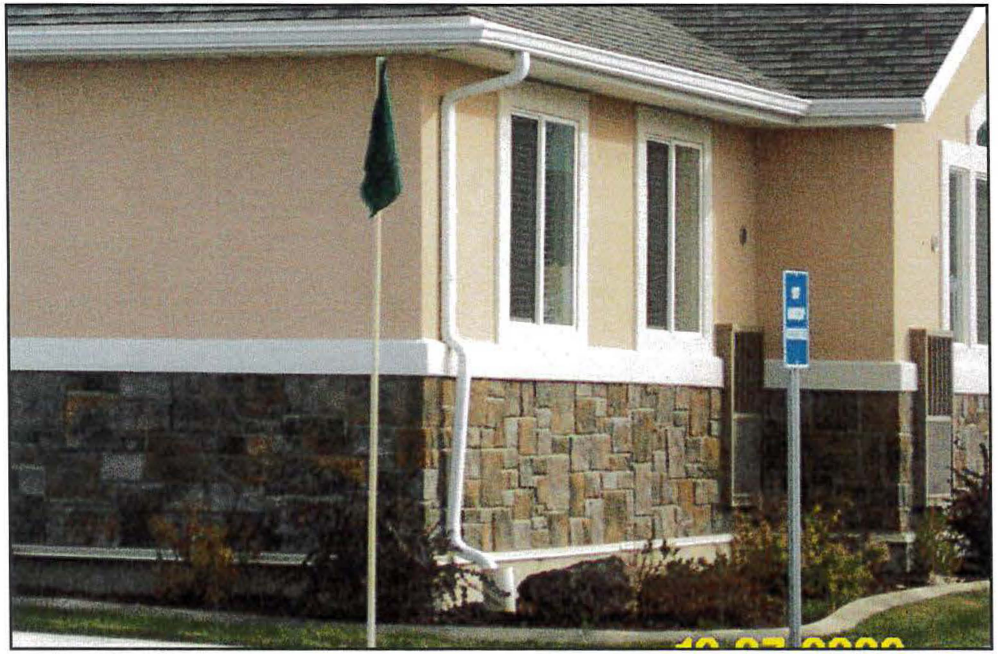


§7-11a-27. Photo Group 4: Corner Treatments



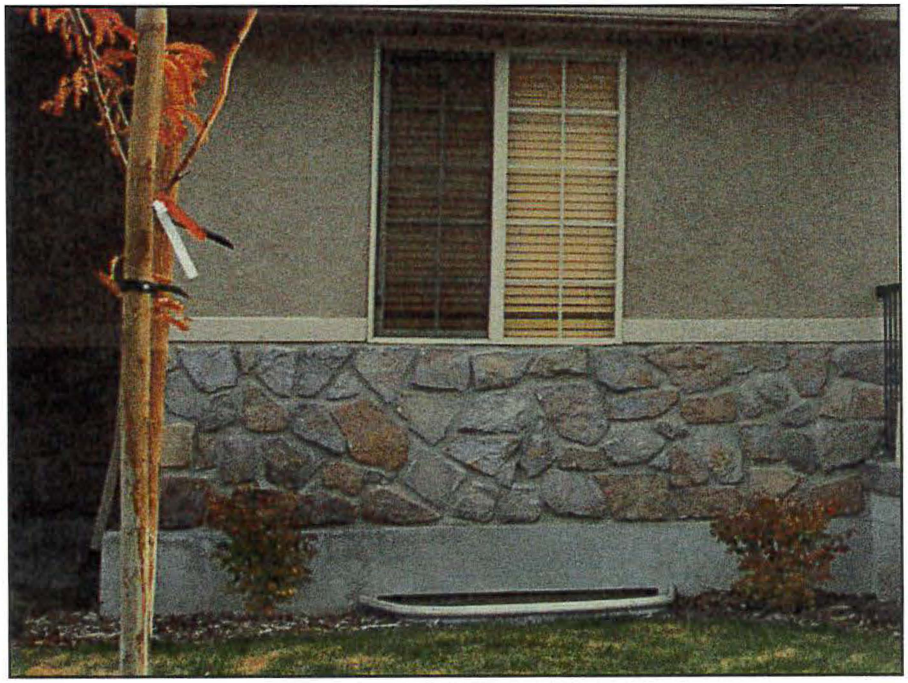


§7-11a-27. Photo Group 5: Wainscot



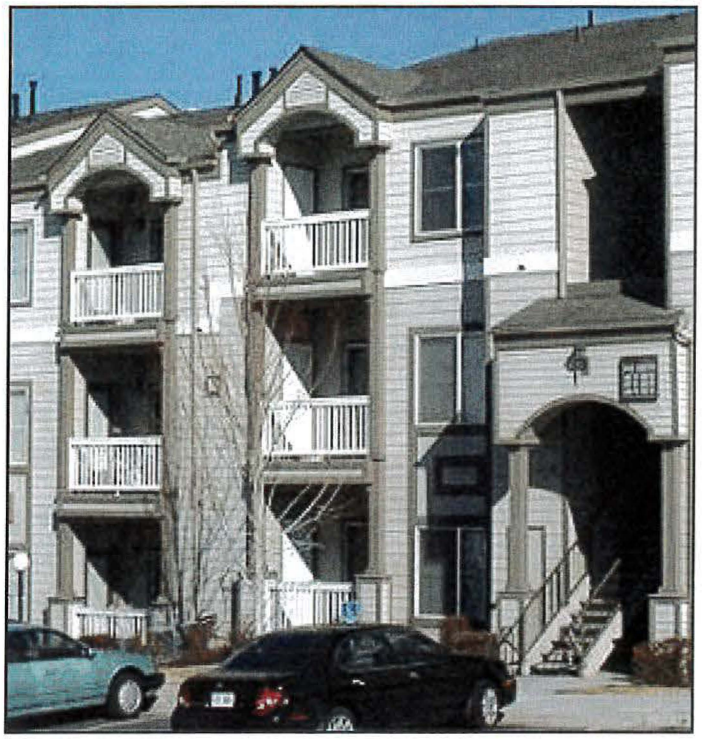






(March 25, 2005)

§7-11a-27. Photo Group 6: Windows and Balconies











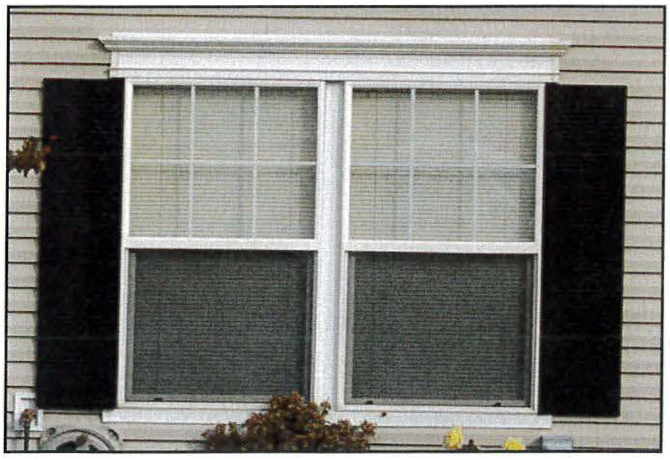
§7-11a-27. Photo Group 7: Windows















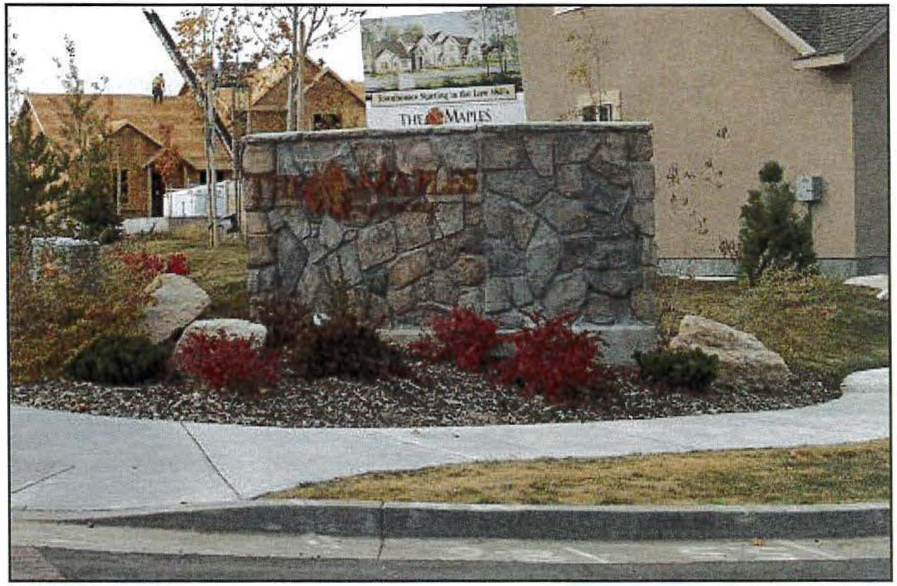





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§7-11a-27. Photo Group 9: Project Entrances







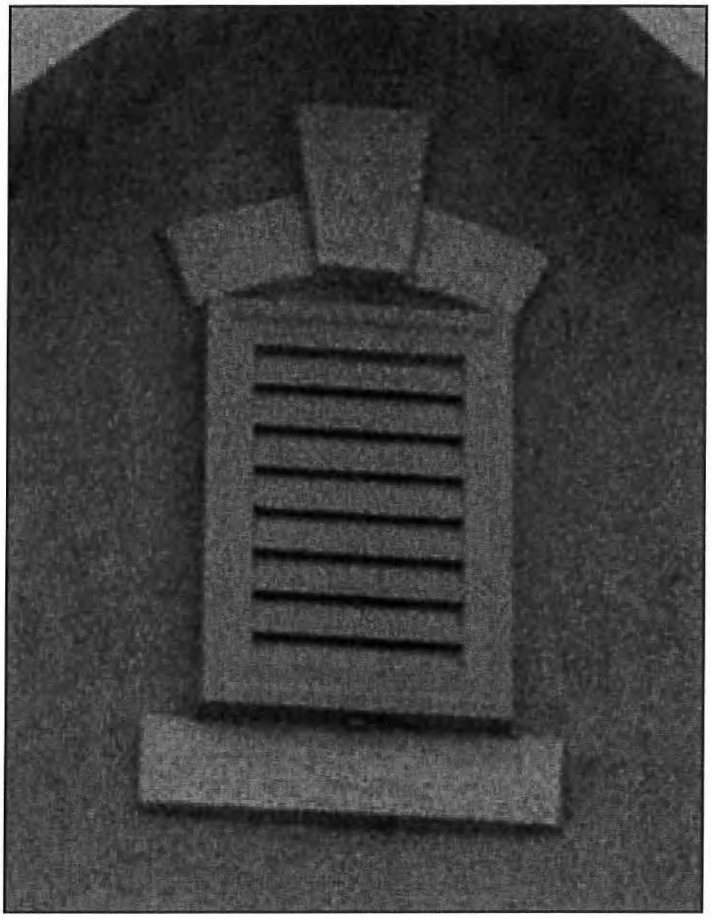


§7-11a-27. Photo Group 10: Fencing

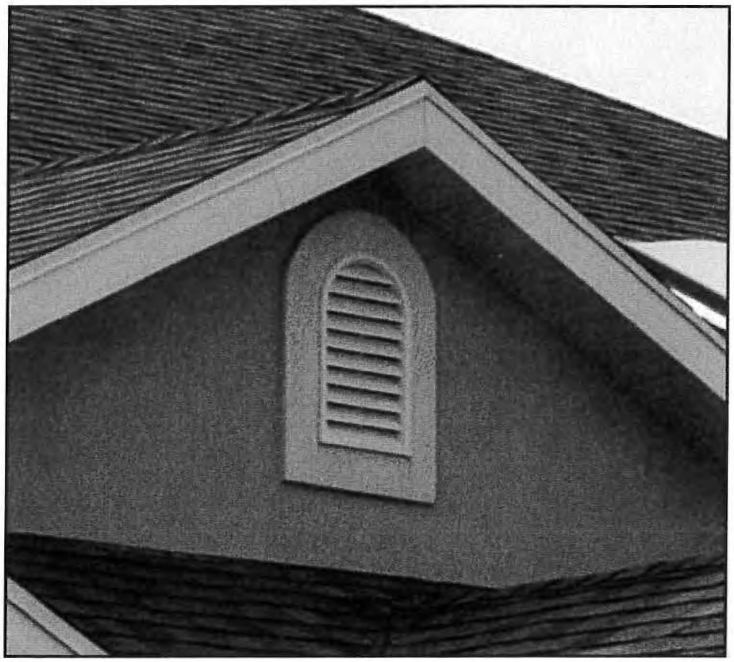


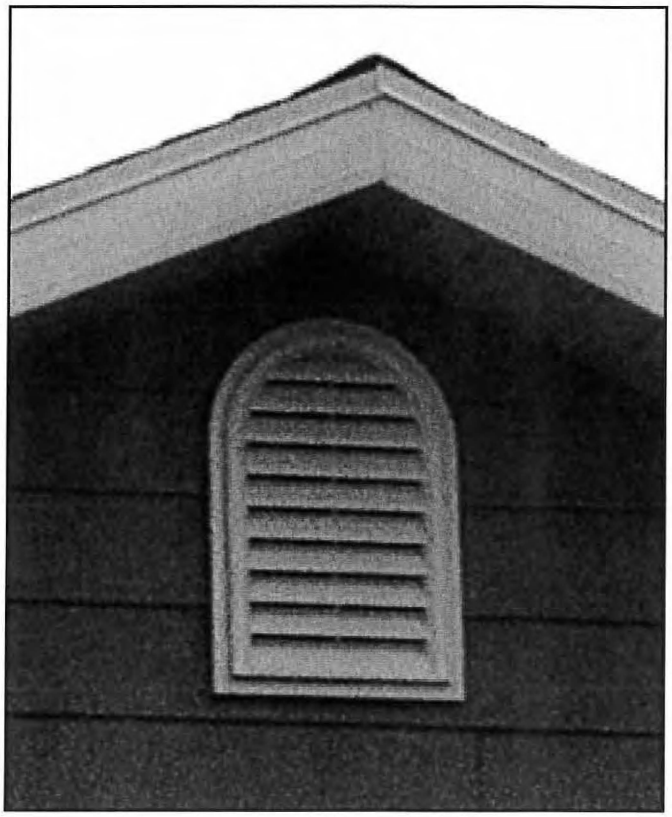












CHAPTER 11b. DESIGN STANDARDS: SINGLE-FAMILY RESIDENTIAL

7-11b-1. Defined Terms: General
7-11b-2. Defined Terms: Architectural
7-11b-3. Purposes of Design Standards
7-11b-4. Project Application, Procedure
7-11b-5. Design Standards: Mandatory Elements
7-11b-6. Design Standards:Table1—Elective Elements
7-11b-7. Design Standards: Table 2—Elective Elements
7-11b-8. Planned Unit Development (PUD)
7-11b-9. Appeals of Point Determination
7-11b-10. Applicability

7-11b-1. Defined Terms: General

(1) "Application" means a complete Project Plan submission satisfying the requirements of this Chapter and has the same meaning as "Project Application."

(2) "Building" means a single-family dwelling.

(3) "Department" means the Community Development Department or successor department.

(4) "Design Elements" means factors, features, elements, and considerations related to Building and Project design, and has the same meaning as "Elements."

(5) "Director" means the director of the Community Development Department, or designee.

(6) "Dwelling Unit" has the same meaning as Tooele City Code §7-1-5, as amended.

(7) "Elements" has the same meaning as "Design Elements."

(8) "General Plan" means the 1998 Tooele City General Plan and its various infrastructure elements, as amended, including culinary water, sanitary sewer, storm water, rights-of-way, transportation, parks and recreation, trails, police and fire, affordable housing, and land use.

(9) "Land Use Plan" means the Land Use Element of the 1998 Tooele City General Plan.

(10) "Project" means a Single-Family residential development project and includes the term Subdivision as defined in Tooele City Code §7-1-5, as amended.

(11) "Project Plan" means that set of documents comprising a completed Application for a Single-Family residential development Project, including, but not limited to, all information and documents required by this Chapter and Chapter 7-19.

(12) "Single-Family Dwelling" has the same meaning as the term "Dwelling: Single-family" as defined in Tooele City Code §7-1-5, as amended.

(13) "Standards" means the Single-Family Residential Design Standards contained in this Chapter.

(14) "Surrounding Property" means all properties touching or adjacent to, or abutting a street adjacent to, a Project.

(Ord. 2012-10, 04-18-2012) (Ord. 2006-22, 10-04-2006)

7-11b-2. Defined Terms: Architectural

(1) "Cantilever" means a projecting beam or member supported at only one end, i.e., a bracket-shaped member(s) supporting a balcony, cornice, or enclosed room.

(2) "Column" means a supporting pillar with a rectangular or cylindrical shaft.

(3) "Dormer Window" means a window set vertically in a structure projecting through a sloping roof.

(4) "Dutch Hip" means a roof having a hipped end truncating a gable.

(5) "Eave" means the overhanging lower edge of a roof.

(6) "Façade" means the front of a building or any of its sides facing a public way or space, esp, one distinguished by its architectural treatment.

(7) "Fascia" means a horizontal piece (as a board) at the end of a projecting eave or overhand; also, the vertical edge of a roof.

(8) "Gable" means a triangular section of wall at the end of a pitched roof, or a triangular ornamental seat over a window or door.

(9) "Gambrel" means a ridged roof or ornamental openings divided on each side into a shallower slope above a steeper one.

(10) "Hip Roof" means a roof having sloping ends and sloping sides.

(11) "Keystone" means the wedge at the center or top of an arch, serving to lock all of the other pieces into place.

(12) "Lintel" means a beam supporting the weight above a door or a window.

(13) "Porch" means an exterior appendage to a building forming a covered approach or vestibule to a doorway.

(14) "Quoin" means an exterior corner treatment distinguished from the adjoining surfaces by texture, color, material, size, or projection.

(15) "Shutter" means a louvered or solid panel at the sides of a window mimicking operating panels used to close and protect a window opening.

(16) "Trim" means a finished woodwork or the like used to decorate, border, or protect the edges of openings or surfaces.

(17) "Wainscot" means a facing of finish material which typically covers the lower portion of a wall.

(Ord. 2006-22, 10-04-2006)

7-11b-3. Purposes of Design Standards

(1) The purposes of the Standards include the following:

(a) To achieve the goals and objectives of the General Plan.

(b) To implement the policies of the General Plan, including the Principles stated in the Land Use Plan.

(c) To guide the general configuration and appearance of Buildings and Projects consistent with the General Plan, including design, building materials, appearance, and landscaping.

(d) To preserve the valuations of Buildings and Projects, as well as the valuations of the Surrounding Properties.

(e) To encourage an aesthetic appearance that

serves to achieve the goals, objectives, policies, and principles of the General Plan and the Purposes stated in this Chapter.

(f) To provide a fair, equitable, and predictable process for the evaluation of Project Applications.

(g) To improve the quality of life of Single-Family residents by improving the quality of Projects and Buildings.

(h) To recognize the fact that architectural and design considerations have a significant impact on the quality of life of Single-Family residents and on property valuations.

(i) To recognize the distinct geographic, historical, and other contexts that make Tooele City unique, and to encourage Single-Family development to do the same through Building and Project design.

(2) The Purposes of the Standards do not include an intent to arbitrarily dictate color, materials, style, theme, and other similar considerations, but to provide reasonable general parameters within which the above Purposes can be fulfilled.

(3) Nothing in this Chapter shall be construed to limit the City's exaction authority.

(Ord. 2012-10, 04-18-2012) (Ord. 2006-22, 10-04-2006)

7-11b-4. Project Application, Procedure

(1) Any person desiring to develop a Single-Family Project shall submit to the Department a completed Application and Project Plan in conformance with the procedures and requirements set forth in Tooele City Code Chapter 7-19, Subdivisions.

(2) An Application that does not contain all of the information required by this Chapter and Chapter 7-19 shall be deemed incomplete, and shall not constitute a Project Plan.

(3) At the time of Application, a Project applicant shall pay all subdivision review and other fees approved by Resolution of the City Council.

(Ord. 2006-22, 10-04-2006)

7-11b-5. Design Standards: Mandatory Elements

The following design elements shall be required:

(1) Building Materials.

(a) Both the exterior building design and the exterior building materials of all Buildings shall be of sufficient quality, durability, and resistance to the elements to satisfy the purposes of this Chapter. Exterior siding materials may include, but shall not be limited to, brick or stone masonry, concrete, glass, aluminum or steel lap, vinyl lap, tile, stucco, fiber-cement board, and/or wood. All exterior materials shall be installed in a professional workmanlike manner and be guaranteed to be maintenance-free for at least 10 years from the date of installation. Finishes upon exterior materials shall be guaranteed to be maintenance-free for a at least five years from the date of installation. Materials or finishes without such guarantees shall not be permitted. Guarantees shall be in writing from the manufacturer.

(b) All Building exteriors shall be constructed of either (i) 20% or more masonry materials for all exterior surfaces or (ii) 35% or more masonry materials for all street facing exterior surfaces. Masonry is defined as brick, stucco and/or stone and the percentage calculation shall include the associated doors and windows.

(c) Any Building sides facing a street shall include distinctive features that add significant variety to the exterior Building surfaces, such as, pop-outs on windows, bay windows, color variations, texture changes, and brick or stone decorative elements.

(2) Foundation. Each Building shall have a site-built concrete or masonry foundation around the entire perimeter with interior supports as necessary to meet applicable building codes. The dwelling shall be permanently tied to the foundation system in accordance with applicable building codes and City policies.

(3) Roofs. The roof of each Building shall have a minimum pitch of 3:12. At non-gable ends of the roof there shall be an overhang at the eaves of not less than 12 inches inclusive of rain gutters. For Buildings with cantilevers, 60 percent of the total eave length of the home shall have an overhang of not less than 12 inches. The roof overhang shall be measured perpendicular to the vertical side of the Building. These pitch and overhang provisions shall not apply to porch covers, bay windows, or similar appendages. Unfinished galvanized steel or aluminum roofing shall not be allowed.

(4) Building Depth. Each Building shall be not less than 20 feet in depth at the shallowest point. The depth shall be considered to be the lesser of the two primary dimensions of the Building exclusive of attached garages, bay windows, room additions, or other similar appendages.

(5) Design Variation. In order to insure exterior design variation, the same or nearly the same exterior design, as determined by the City, shall not be allowed on adjacent lots. Twin homes, however, may incorporate the same or similar exterior design.

(6) Building Size.

(a) In the R1-8 and higher-density zoning districts, the minimum square footage of finished, above-ground, habitable floor space of any Building shall be 1,100 square feet.

(b) In the R1-10 and lower-density zoning districts, the minimum square footage of finished, above-ground, habitable floor space of any Building shall be 1,300 square feet.

(7) Garages.

(a) Each Building shall include a garage with interior minimum interior dimensions of 20 feet wide by 22 feet deep.

(b) The depth of a garage shall be defined as being measured perpendicular from the vehicle door to the rear wall of the garage.

(c) Exception: no garage is required for buildings that are owner-occupied housing priced at 80% for the Tooele County median home price.

(8) Site Grading. Final grading of individual lots shall be performed in such a way that excess water shall be contained entirely on the site, directed to an improved

street, or directed to an approved drainage inlet, drainage channel, or drainage easement. Excess water shall not be allowed to drain onto adjacent private property unless approved by the City as part of an overall system, as reflected in the subdivision approval. In order to more effectively direct storm runoff, rain gutters shall be installed on all eaves of Buildings.

(9) Covered Porch. The main entry of the Building shall have a covered porch which shall be no less than 6 feet deep and 30 square feet in area.

(10) Recreational Vehicle (RV) Pads. RV pads shall not be allowed in the front yard or forward of the Building front façade.

(11) House Numbers. House numbers shall be at least 4 inches in height and located to as to be easily visible from the street.

(12) Exterior Building Lighting. All lighting located on or illuminating Building exteriors shall be shielded to minimize the glare upon surrounding properties.

(13) Street Lighting. Street lighting fixtures shall be selected from those identified by administrative policy promulgated by the Public Works Director.

(14) Ventilation Fixtures. Ventilation fixtures, such as plumbing stand-offs and HVAC stand-offs, shall not protrude from the front-facing slope of the Building roof, but shall be located behind the roof peak on the rear-facing slope of the roof, on in a gable roof associated with the rear-facing slope of the roof.

(15) Downspouts. Gutter downspouts shall not be located in such a manner so as to discharge their contents across a driveway or walkway.

(Ord. 2025-14, 05-21-2025) (Ord. 2012-10, 04-18-2012) (Ord. 2007-15, 04-18-2007) (Ord. 2007-09, 04-04-2007) (Ord. 2006-22, 10-04-2006)

7-11b-6. Design Standards: Table 1—Elective Elements

In addition to the mandatory elements contained in Section 7-11b-5, above, all Buildings shall contain elective design elements sufficient to satisfy the point system detailed in Table 1, below. Included in the table are six categories of design elements. Each category includes several elements and each element contains a point value. The combination of different elements must equal or exceed 180 points for rambler Buildings and 200 points for all other types Buildings. When selecting design elements from Table 1 to include in the Building design, each Building shall include at least one element from each of the first five categories, namely, Roofing Treatments, Relief Treatments, Material Selections, Entry Features, and Garage Treatments. If the point value of the design elements selected from each of the first five categories does not meet the minimum number of points required for a given Building, additional elements shall be selected to satisfy the minimum required points.

(Ord. 2012-10, 04-18-2012) (Ord. 2006-22, 10-04-2006)

Table 1

1. Roofing Treatments (must use at least one)	**Points**
A. Dominant roof pitch of not less than 6:12	40
B. Dominant roof pitch of not less than 5:12	30
C. Title or laminated architectural shingles that simulate the depth of wood	40
D. Two or more gable ends on front façade, hip style roof, or two or more roof panels/levels	60
E. Dormer windows	40

F. 6” or larger decorative roof fascia	20
2. Relief Treatments (must use at least one)	**Points**
A. At least one foundation jog (not including the garage) on the front façade	60
B. Bay or box window or other projection that is not part of the foundation on the front façade	20
C. At least one cantilevered living area on the front façade	40
3. Material Selections (must use at least one)	**Points**
A. Full stucco exterior including accent trim that is a complimentary but different color from the primary house color, around all windows and doors–no brick or stone	20
B. Full stucco including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors on exterior of home, plus full perimeter wainscot of brick or stone masonry	40
C. Full brick or stone masonry exterior	60
D. 35% masonry exterior (includes stucco, brick or stone masonry, and fiber-cement board)	10
E. 35% masonry exterior for all street-facing exterior surfaces (includes stucco, brick or stone masonry, and fiber-cement board)	5
F. 20% masonry exterior (includes stucco, brick, or stone masonry, and fiber-cement board)	0
4. Entry Features (must use at least one)	**Points**
A. Decorative windows (e.g., non-rectangular, transom over entry)—at least 2	10
B. Use of 8”x 8” minimum columns or similar support features for covered front porch	10
C. Covered front porch that extends across less than 40% of the entire length of the front façade and is at least 6’ deep with no less than 60 sq. ft. of usable, unobstructed space	40
D. Covered front porch that extends across at least 50% of the entire length of the front façade and is at least 6’ deep with no less than 90 sq. ft. of usable, unobstructed space	60
5. Garage Treatments (must use at least one)	**Points**
A. Front of garage located at least 5’ behind front façade	30
B. Garage flush with the front of the house	20
C. Side entry garage	40
D. Usable open space with a trellis or roof (covered porch) above the garage extending to or beyond the front face of the garage	60
E. Color coordinated, textured garage door	10
6. Additional Material / Design Selections (optional)	**Points**
A. One or more non-rectangular (round, oval, arched, etc.) windows used on the front façade not including any window used to meet item 4A above	10
B. Six or more windows of any size used on the front façade (does not include windows in garage doors or windows used to meet item 4A above)	20
C. Decorative vents (oval, octagonal, or arched) on all front façade vents	10
D. Decorative vents (oval, octagonal, or arched) on all vents on other façades	10
E. Decorative shutters on all front façade windows	30
F. Decorative shutters on all windows of other façades	20
G. Stucco or precast quoins on at least two corners	20
H. Stucco or precast keystones	10
I. Change of color on exterior materials (excluding doors, shutters, trim, roof material or material changes)	10
J. Window trim at least 4” (at least) wide around all front façade windows	20
K. Combination of either decorative shutters or 4” (at least) trim for all front façade windows	20
L. Combination of either decorative shutters or 4” (at least) trim for all windows on all façades other than the front façade	20

(Ord. 2007-15, 04-18-2007) (Ord. 2006-22, 10-04-2006)

7-11b-7. Design Standards: Table 2—Elective Criteria

For Buildings with a side or rear façade that faces a street, design elements totaling at least 70 points, selected from Table 2, below, shall be applied to all street facing façades other than the front façade. In the process of choosing design elements from Table 2, each Building shall include at least one feature each from categories 2) Roofing Treatments and 3) Design Treatments. (Ord. 2012-10, 04-18-2012) (Ord. 2006-22, 10-04-2006)

Table 2

1. Relief Treatments (optional)	**Points**
A. At least 1 foundation jog that is at least 10' long and is no more than 20' deep	40
B. Bay or box window or other projection that is not part of the foundation	30
C. At least one cantilevered living area	30
2. Roof Treatments (must use at least one)	**Points**
A. A minimum 6" overhang at the eaves on gable ends	10
B. Dutch hip on a gable end	10
C. Hip roof instead of a gable end	20
D. One or more gables on rear façades	20
E. Two or more gables on side façades	10
F. One cross gable on side façades	10
G. Two cross gables on side façades	20
3. Design Treatments (must use at least one)	**Points**
A. One or more windows that are at least 3 sq. ft. each in area (does not include windows in garage doors, bay windows, box windows, or windows that are in or partially in window wells). Each window counts as 10 points up to a maximum of 50 points.	10
B. Trim around each window for homes with stucco, vinyl, or fiber-cement board exteriors	10
C. Decorative vents (oval, octagonal, or arched): maximum of 10 points	10
D. Decorative window shutters when used for all widows on the street-facing façade	10
E. Stucco or precast quoins on at least two corners	10
F. Stucco or precast keystones	10
G. Knee braces	10
H. Change of color on exterior materials applied to at least 20% of the façade (excluding doors, shutters, trim, roof material or material changes)	10
I. Change of material (i.e., brick or stone masonry wainscot) applied to at least 15% of the street-facing façade	20
J. For side façades, a covered porch that extends to the street-facing façade	20

(Ord. 2006-22, 10-04-2006)

7-11b-8. Planned Unit Development (PUD)

These Standards shall be used as a minimum in a Planned Unit Development (PUD), and may be increased by the City for a PUD.

(Ord. 2012-10, 04-18-2012) (Ord. 2006-22, 10-04-2006)

7-11b-9. Appeals of Point Determination

A builder who disagrees with the Department's valuation of Table 1 and Table 2 points may appeal in writing to the Director, whose determination shall be final.

(Ord. 2006-22, 10-04-2006)

7-11b-10. Applicability

These Standards shall apply to all Buildings constructed pursuant to building permit applications submitted after December 31, 2006, with the exception of Buildings constructed on lots created by subdivision final plat approved by the Tooele City Council before December 16, 1998.

(Ord. 2012-10, 04-18-2012) (Ord. 2007-09, 04-04-2007) (Ord. 2006-22, 10-04-2006)

CHAPTER 12. SENSITIVE AREA OVERLAY ZONING REGULATIONS

7-12-1. Short title.
7-12-2. Purpose.
7-12-3. Definitions.
7-12-4. Scope and application.
7-12-5. Density and lot size; basement cuts and fills.
7-12-6. Lot coverage, usable area and flag lots.
7-12-7. Development standards.
7-12-8. Review and approval procedure.

7-12-1. Short title.

This Chapter shall be known as the "Sensitive Area Overlay Zoning Ordinance." (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-2. Purpose and intent.

(1) The purpose and intent of this Chapter is to provide regulatory standards, guidelines, and criteria having the effect of minimizing flooding, erosion, destruction of natural plant and wildlife habitat, alteration of natural drainages, and other environmental hazards, and protecting the natural scenic character of the hillside and mountain areas. In support of this purpose and intent, this Chapter recognizes the importance of the unique hillside and mountain areas of Tooele City to the scenic character, heritage, history, and identity of Tooele City and of adjoining areas of unincorporated Tooele County. In support of this purpose and intent, Tooele City finds that it is in the public interest to regulate the development of sensitive areas in a manner so as to minimize the adverse impacts of development on scenic open spaces and on sensitive or vulnerable organic and inorganic systems.

(2) The standards, guidelines, and criteria established by this Chapter are intended to support the purpose and intent of this Chapter by working to accomplish the following:

(a) to protect the public from the natural hazards of storm water runoff, erosion, and landslides;

(b) to minimize the threat of fire;

(c) to preserve and protect wildlife and wildlife habitat;

(d) to allow reasonable public, non-motorized access to hillside and mountain areas;

(e) to preserve and protect natural topographic and geologic features, such as, drainage channels (whether of constant, periodic, or intermittent flow), streams, lakes and ponds, ridge lines, rock outcroppings, hillsides and mountainsides, hilltops and mountaintops, scenic vistas, trees, and natural vegetation;

(f) to preserve and enhance natural panoramic vistas and scenic open space, both from within and outside sensitive areas;

(g) to allow for reasonable transportation systems consistent with the preservation and protection of sensitive areas and the purpose and intent of this Chapter, and that protect the public health and safety;

(h) to encourage the use of a variety of development designs, concepts, and materials that are consistent with the purpose and intent of this Chapter, that accommodate the vulnerabilities of sensitive areas, and that protect the public health and safety;

(i) to establish land use management policies, practices, and implementation criteria that will encourage protection of sensitive areas, that are consistent with the purpose and intent of this Chapter, and that protect the public health and safety;

(j) to regulate the location, design, and development of building sites located on sensitive areas in order to further the purpose and intent of this Chapter and to protect the public health and safety;

(k) to encourage a public and private regard for the scenic character, heritage, history, and identity of Tooele City through the preservation and protection of sensitive areas in Tooele City and adjoining areas of unincorporated Tooele County; and,

(l) to balance the purpose and intent of this Chapter, including public health and safety, with the promotion of human enjoyment of private and public lands. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-3. Definitions.

As used in this Chapter:

(1) "Average slope" means and is determined by the use of the following formula:

$$S = \frac{.00229\ (I)\ (L)}{A}$$

where:

S = average slope of the site before development or construction;

A = total number of acres in the parcel;

L = summation of the length of all contour lines in feet;

I = contour interval in feet.

Average slope of a development site need not include the acreage (A) having a slope greater than 30 percent. If such areas are excluded, they shall not be included as part of the development site for purposes of determining the number of dwelling units allowed.

(2) "Development site" or “site” means and includes the total perimeters of:

(a) a subdivision;

(b) a residential planned unit development; and,

(c) a tract, lot, or parcel of land intended to be used as a commercial, public, quasi-public, utility, or other building site.

(3) "Gross acreage" means the total area of the development site, including all rights-of-way and other nonresidential uses.

(4) "Impervious materials" means any surface material which does not allow for the natural percolation of water into the soil, including, for example, roofs,

concrete patios, concrete or asphalt driveways, and tennis and play courts of concrete or similar material.

(5) "Institutional buildings" means churches, schools, hospitals, public and quasi-public buildings, and similar buildings.

(6) "Natural vegetation" includes orchards, trees, shrubs, lawn, grass, and perennial growth of varieties endemic to the land on which they grow.

(7) "Net residential acreage" means all land within a development site devoted exclusively to a residential use, and includes houses, sheds, driveways and other impervious on-site surfaces.

(8) "Open space" means land that is designated by the developer and approved by the City as open space on the development site plan.

(9) "Usable land" means that contiguous parcel of natural land and/or compacted fill, as permitted by both this Chapter and the applicable building codes, included within the lot, no part of which has a slope exceeding 30 percent.

(10) "Undevelopable areas" means unstable slopes, as determined by this Chapter, and all slopes exceeding 30 percent. Undevelopable areas shall not be usable land.

(Ord. 2013-15, 09-18-2013) (Ord. 2010-03, 04-21-2010); (Ord. 2004-15, 10-20-04); (Ord. 94-28; 05-24-94)

7-12-4. Scope and application.

(1) The provisions of this Chapter shall apply to all lands in Tooele City that lie within the area designated by ordinance of the City Council as the Sensitive Area Overlay Zone, as shown in Figure 1. Regulations of this Chapter shall apply to areas outside of the mapped Sensitive Area Overlay Zone upon determination by the City Council, by ordinance, that environmental and other conditions of the subject areas qualify them as sensitive areas. Figure 1 shall thereafter be amended administratively to include such areas in the Sensitive Area Overlay Zone. All approved subdivision plats and site plans that lie within the Sensitive Area Overlay Zone shall include a note indicating that the plat and its lots are subject to this Chapter.

(2) This Chapter makes additional provisions to those set forth elsewhere in Title 7 of the Tooele City Code, as amended. In the event of conflict between the existing zoning classification, building codes, or subdivision ordinance and the regulations contained in this Chapter, the most restrictive provision shall apply.

(3) In the Sensitive Area Overlay Zone, no property shall be used and no building shall be erected or altered so as to be arranged, intended, or designed to be used for a purpose other than those permitted in the base zoning district classification. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-5. Density and lot size; basement cuts and fills.

Lots within the Sensitive Area Overlay Zone shall comply with the following minimum requirements:

(1) Minimum lot size. Each lot or parcel of land shall abut a public street for the minimum distances identified herein on a line parallel to the center line of the street or a distance of 35 feet along the circumference of a cul-de-sac right-of-way improved to City standards.

Average Slope of Development Site	Minimum Lot Size	Minimum Lot Width
0 - 8%	determined by base zone	determined by base zone
8.1 - 15%	16,000 sq. ft.	100 feet
15.1 - 20%	22,000 sq. ft.	120 feet
20.1 - 30%	30,000 sq. ft.	150 feet

(2) Undevelopable areas. Undevelopable areas shall be identified on the subdivision plat.

(3) Basement cuts and fills. Without being construed as altering the established ground or any heights measured therefrom, up to four feet of fill may be used in order to bring the exposed portion of the lower level of an exterior wall of a building within the definition of a basement when the majority of the lower level already complies with the definition of a basement.

(Ord. 2013-15, 09-18-2013) (Ord. 2010-03, 04-21-2010); (Ord. 94-28, 05-24-94)

7-12-6. Lot coverage, usable area, and flag lots.

(1) Building Site Requirements.

(a) Each lot shall constitute a primary building site able to accommodate the primary structure, and must be in compliance with all applicable setbacks, side yards, rear yards, and other requirements of this Chapter. The ability of each lot to support such a building pad shall be shown by displaying an exemplar of such a building lot on all preliminary and final subdivision plats.

(b) Single-family dwellings shall be located only upon usable land, which shall be fully contiguous and at least 5,000 square-feet in size. No portion of a dwelling may be located on undevelopable areas.

(c) Grading of the lot in connection with the creation of the primary building site or construction of the primary building shall not extend more than 30 feet horizontally, in front, to the rear, or to the side of the proposed primary building unless the average natural slope of the area being graded and the additional area desired to be graded does not exceed 8 percent.

(d) Driveways to the building site shall have a maximum slope of 10 percent and shall have direct access to a public or private street. The Tooele City fire chief may approve steeper grades for private driveways to building sites in accordance with the International Fire Code.

(2) Flag Lots. Flag or L-shaped lots may be allowed 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 public or private street. The

minimum unobstructed paved width of the staff portion of flag lots shall be 20 feet and the maximum length shall be 220 feet unless allowed by the fire chief pursuant to the International Fire Code.

(c) No building or construction, except for driveways, shall be allowed to encroach upon the 20-foot-wide minimum area of the staff portion of said lot.

(d) The front side of the flag portion of said lots shall be deemed to be that side nearest to the public or private street upon which the staff portion fronts.

(e) The staff portion of said lots shall be deemed to end and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.

(f) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required by this Chapter.

(g) The side and rear yard requirements of the flag portion of said lots shall be as required by this Chapter.

(h) The minimum front setback requirements for all buildings shall be 30 feet from the front lot line of the flag portion thereof, and shall not include the staff portion of said lot.

(i) No more than three flag lots may share or be served by one staff portion of said lots.

(j) The maximum number of flag lots in the development site shall be not more than 20 percent of the total number of lots within the development site.

(k) Figure 2 is an example of a "flag lot" and is included herein to illustrate the concept of "flag" or "L-shaped" lots.

(3) Setbacks, yards, and buildable space requirements.

(a) Any buildings constructed in the Sensitive Area Overlay Zone shall be required to maintain minimum side yard setbacks of 20 feet on each side and a minimum rear yard setback of 40 feet, except that no dwelling shall be located within an average of 25 feet, no point being closer than 20 feet, of any portion of a hillside slope, either up or down, exceeding 30 percent.

(b) Except for flag lots, front yard setbacks shall be those required by the base zone.

(c) The City may require greater setbacks when a geotechnical report recommends that greater setbacks are necessary for the protection of life, safety, or property.

(4) Maximum Impervious Material Coverage.

The maximum impervious material coverage allowed upon any lot shall be 30 percent of the total lot area, or, for clustered development, 30 percent of the total combined area of the clustered lots. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-7. Development standards.

(1) Scope. It is intended that the development standards and provisions as set forth in this Section shall be required in connection with all building and construction in the Sensitive Area Overlay Zone. The applicant shall submit to the Community Development Department the information required by this Section prior to the issuance of a building permit.

(2) Site Plan. The applicant shall submit an engineered site plan, to include at least the following information:

(a) dwelling location;

(b) contour lines at one-foot intervals;

(c) location of retaining walls with heights greater than 18 inches above finished grade; and,

(d) vegetation types and locations.

(3) Cross-section. The site plan shall be accompanied by a cross-section showing the information required in this Section as well as driveway slope and slope percentage for each change in slope.

(4) Drainage and Erosion. The area of the watershed, together with other relevant information, shall be used to determine the amount of storm water runoff generated before and after construction.

(a) The "Rational Method", or other method as approved by the Building Official or City Engineer, shall be used in computing runoff. The basic formula for the "Rational Method" is:

Q = CIA in which:

Q = Runoff in cubic feet per second (c.f.s.)

C = Coefficient of runoff or the portion of storm water which runs off a given area. The following ranges for C value are typical examples. The actual C value used shall be approved by the City Engineer.

Type of Development	Runoff Coefficient
Industrial & Commercial	.80 - .90
Residential	.30 - .40
Parks	.15 - .24
Agricultural	.10 - .20

I = Average rainfall intensity during time of concentration for both 10- and 25-year return periods in inches per hour. The time of concentration shall be defined as the time required for water to flow from the most remote point of the section under consideration.

A = Drainage area in acres.

(b) Lots shall be arranged to ensure adequate setbacks from drainage channels. The 100 year return event storm shall be that basis for calculating setbacks, drainage conveyance around structures, and foundation elevations. No structures shall be allowed in the 100 year flood plain or the special hazard flood area.

(c) Facilities for the collection and conveyance of storm water runoff shall be constructed on development sites according to the following requirements:

(i) Such facilities shall be among the first improvements or facilities constructed on the development site.

(ii) Such facilities shall be designed so as

to detain safely and adequately the maximum expected storm water runoff for a 25-year storm, not to exceed 0.2 cubic feet per second per acre, or the 10-year storm, not to exceed 0.1 cubic feet per second per acre, whichever is more restrictive, on the development site.

(iii) Such facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill.

(iv) The existing natural drainage system will be utilized, as much as possible, in its unimproved state.

(v) Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches.

(vi) Flow retarding devices such as detention ponds and recharge berms shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Areas which have shallow or perched groundwater or areas that are unstable must be given additional consideration.

(d) Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between October 15 and March 15 of the following year.

(e) Erosion control measures on the development site shall be required to minimize the increased solids loading in runoff from such areas. The detailed design system to control storm water erosion during and after construction shall be contained in the Grading and Drainage Report.

(5) Vegetation and Revegetation.

(a) Vegetation shall be removed only when absolutely necessary, i.e., for buildings, filled areas, roads, and firebreaks. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, i.e., cut-and-fill slopes. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas, including lots which may be subject to future grading, as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with adapted fire-resistant species of perennial vegetative cover after all construction is completed.

(b) All areas on development sites cleared of natural vegetation in the course of construction of public improvements shall be replanted with revegetation which has good erosion control characteristics.

(c) New planting shall be protected with mulch material and fertilized in conjunction with the planting and watering schedule.

(d) Installation of all required landscaping shall begin no later than one month after the date that the main structure on the property is ready for occupancy or by March 15, whichever is later.

(e) Vegetation shall be a mixture of plant materials; i.e., trees, shrubs, grass, and forbs. Native plant materials are preferred.

(f) Landscaping shall be substantially completed within nine months after the date the primary structure is ready for occupancy.

(g) Front yards and side yards shall be completely landscaped except for driveways, walkways and on-grade patios.

(h) All other areas disturbed during construction shall be either landscaped or revegetated to a natural state.

(i) Lawns or gardens are prohibited in the undevelopable areas.

(j) No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30% or greater unless otherwise determined in writing by the Mayor upon recommendation of the City Engineer for public uses such as trails and open space improvements. Any revegetation of such a hillside shall have the approval of the City Engineer.

(k) Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping; i.e., cut and fill slopes.

(l) All disturbed soil surfaces shall be stabilized or covered prior to the first day of November. If the planned impervious surfaces such as roads and driveways cannot be established prior to November 1st, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.

(m) The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation.

(6) Geology.

(a) No structures shall be built on any zones of deformation with respect to active faults.

(b) No structures or public improvements shall be allowed on any active landslide, rock fall zone, or flow field area.

(c) Problems associated with development on or near perched ground water and shallow ground water must be mitigated in a manner as approved by the City Engineer. (Ord. 98-33-B, 10-07-98)

(7) Fire Protection.

(a) Lots shall not be allowed or approved where the static water pressure from the City water system serving the proposed lot or lots is less than 40 pounds per square inch or where fire flow as specified in the International Fire Code is not met.

(b) Fire hydrants required to be constructed on private property shall be installed at the expense of the property owner, shall be privately owned and

maintained, and shall be connected by a privately owned and maintained eight-inch water line from the water main. The hydrant shall be located in accordance with the International Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by Tooele City and shall be located within five feet of the paved surface of the required access road or driveway. If in the opinion of the Fire Chief, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be required. No obstruction shall exist within a three-foot working area of each fire hydrant. Required crash posts shall be a four-inch minimum diameter concrete filled pipe, having a minimum of three feet in height above grade, with 30 inches of pipe below grade set in concrete. Hydrant shut-off valves shall be located no closer than five feet from the hydrant and no further than 20 feet.

(c) The property owner shall grant unto the City a public utility easement along the course and full width of the access road or driveway.

(d) Each development site and building permit for private lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the fire department to see that it complies with the International Fire Code, Access Roadways for Fire Apparatus.

(e) Development adjacent to public lands shall provide access for fire protection vehicles and equipment.

(8) Grading, Cuts, and Fill.

(a) A grading and drainage plan shall be prepared by a professional engineer registered in the state. The plan must be sufficient to determine the erosion-control measures necessary to prevent soil loss during construction and after project completion.

(b) Grading and other surface-disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface-disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas shall be a minimum of four feet above grade and no more than eight feet apart.

(c) No grading within the limits of the proposed development shall be permitted prior to approval of the final plat by the City Council and approval of the construction drawings by the City Engineer, and no grading of individual lots shall be permitted prior to the issuance of a building permit. The established ground of any lot shall not be raised or lowered more than four feet at any point for the construction of any structure or improvement, except:

(i) within the buildable area, established ground may be raised or lowered a maximum of six feet by grading or retaining walls; and,

(ii) as necessary to construct driveway access from the street to the garage or parking area, grade changes and/or retaining walls up to six feet from the established ground may be permitted.

(d) Exposed surfaces of an excavation or fill shall not be steeper than one vertical to three horizontal, or as recommended by the geotechnical report.

(e) The top and bottom edges of slopes caused by an excavation or fill shall be at least three horizontal feet from the property line or public right-of-way lines, or greater as required by the geotechnical report.

(f) The maximum vertical height of all cuts or fills shall be ten feet. Fills for slumps or other natural depressions, necessary for public roads or other City utilities, may exceed ten feet if approved by the Mayor upon recommendation of the City Engineer.

(g) All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound, engineered retaining wall is built for the cut or fill slope.

(h) No grading, cuts, fills, or terracing will be allowed on a continuous hillside, crest (upslope or downslope) or a slope of 30 percent or greater, unless otherwise determined necessary for public purposes by the Mayor upon recommendation of the City Engineer.

(9) Streets and Ways. Streets, roadways and private access ways shall follow as nearly as possible the natural terrain.

(a) Roads and other vehicular routes shall not cross property having a slope greater than 30 percent unless, after review by the City Engineer, recommendation of the Planning Commission, and a finding by the City Council that:

(i) appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this Chapter; and,

(ii) the environment and aesthetics of the area will not be significantly affected.

(b) The following additional standards shall apply:

(i) At least two ingress and egress routes shall be provided for each subdivision or PUD project.

(ii) Cul-de-sacs shall meet the requirements of Tooele City Code §4-8-2, as amended.

(iii) Points of access shall be provided to all developed and nondeveloped areas for emergency and fire fighting equipment. Driveways located upon each lot extending from a public street or access road shall be a minimum of 20 feet wide. Where such roadway is adjacent to required fire hydrants, the width shall be a minimum of 26 feet within 20 feet in either direction from the hydrant. Such required widths shall be unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of 13 feet six inches.

(c) Centerline curvatures shall not be less than a 100 foot radius on any street.

(d) Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the Planning Commission for recommendation to the City Council. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

(e) Development sites which are located near canyon trails will provide access to those trails. Parking areas at trail heads may be required by the City Council upon recommendation of the Planning Commission.

(f) Property owners shall be required to identify and mark fire lanes to the satisfaction and approval of the fire chief. Signs shall be posted near the entrances of access roadways and driveways. Spacing and placing of signs shall be subject to the approval of the fire chief. Signs shall be a minimum of 17 inches by 24 inches in one inch block lettering with one-half inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road."

(g) The maximum amount of impervious surface for streets and roadways shall be 20 percent of the entire development site.

(h) Any access road or driveway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

(i) All public or private streets for vehicular traffic shall have a maximum grade of 10 percent.

(j) An all-weather surface capable of supporting the imposed load of fire apparatus shall be provided. If constructed of asphalt, the street or driveway shall be a minimum of three inches of asphalt over a minimum of eight inches of compacted road base, or as indicated in the geotechnical report, whichever is greater. If constructed of concrete, the access road or driveway shall have a minimum of six inches of concrete over a compacted road base, or as indicated in the geotechnical report, whichever is greater.

(k) The street or driveway shall be maintained by the property owner or possessor of the premises in good condition and repair and with adequate snow removal so as to provide free and uninhibited access by emergency service vehicles.

(l) Roads shall be designed to meet the City design standards.

(10) Architectural Design.

(a) Buildings proposed for construction in hillside or canyon areas within the Sensitive Area Overlay Zone shall be designed to be visually compatible with the natural beauty of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as natural woods, brick in earth colors and stone are considered to be most appropriate. Roof colors should be earth tones. White, bright and reflective materials are not encouraged on roofs. Tile, slate, architectural asphalt shingles and fire-retardant wood are permitted as roofing materials.

(b) All residential building permits shall be subject to the design standards contained in Tooele City Code Chapter 7-11a and 7-11b.

(11) Mechanical equipment. Mechanical equipment including swamp coolers, air conditioning, heat pumps, vents, blowers and fans shall be screened from view or painted to match the structure color adjacent to the equipment, and shall not extend above the highest roof ridge line. Roof-mounted solar collections panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do no project above the ridge line of the roof segment upon which they are mounted.

(12) Satellite or wireless antennae. Satellite or wireless antennae having a diameter of 30 inches or more, including receive-only antennae, shall only be constructed within the rear yard of the lot and not on any building. Satellite antennae shall be painted nonreflective black or other dark earth-tone colors. Satellite dishes shall be limited to 13 feet in overall height, including the base upon the established ground, and shall be no more than twelve feet in diameter.

(13) Exterior lighting. Floodlighting of structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property except for security lights intended to be activated only at limited times as necessary for immediate security.

(14) On-site development. The property owner shall be fully responsible for making all improvements in accordance with the development site approval.

(15) Utilities. To the maximum extent practical, all utilities shall be placed within existing road rights-of-way and front yard setbacks. All water, sewer, electrical, telephone, cable television and other utilities shall be placed underground except that transformers, pedestals and other appurtenances which are normally located above ground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated to a natural state. Temporary or emergency utilities may be erected and maintained above ground for no more than four months.

(16) Bond. In addition to the provisions requiring the posting of a bond as set forth elsewhere in the ordinances of Tooele City, a cash bond or a letter of credit may be required by the City to guarantee the completion of revegetation projects, the stabilization of gradings, cuts and fills and constructions of storm water runoff facilities. If such bond is required, it shall be in an amount equal to the cost of construction of such projects and shall continue for one year after the completion date of such projects, improvements, or facilities.

(17) Retaining walls. All cuts and fills shall be supported where required by engineered retaining walls. No retaining wall may exceed four feet in height from the finished grade except as provided in Section 7-12-8(c) and (f). In a terrace of retaining walls each four-foot vertical retaining wall must be separated by a minimum of three horizontal feet, and any six foot retaining wall must be separated from any other retaining wall by a minimum of five horizontal feet, or as recommended by the geotechnical report, whichever is greater.

(18) Fencing. All chain link fences shall be vinyl coated to blend in with the native landscaping. Walls and fences in front yards and along roadways shall not exceed a maximum of 42 inches in height. Fence construction shall comply with the fence regulations in Chapter 7, Title 2 of the Tooele City Code for setback and other requirements. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

7-12-8. Review and approval procedure.

(1) Review process standards. As a land use application for development within the Sensitive Area Overlay Zone is reviewed by the Planning Commission, the Commission's findings of fact shall be listed and included in all recommendations to the City Council.

(2) Approval by City Council. Before a planned unit development (PUD), cluster subdivision, subdivision, or a commercial development is allowed within the Sensitive Area Overlay Zone, approval must be first granted by the City Council.

(3) Administrative approval. Before construction of any primary structure, or any accessory structure requiring a building permit, approval must first be obtained from the Building Official and City Engineer. The application shall contain information, plans, and reports as are required by the City.

(4) Application to Planning Commission. All land use applications for development within the Sensitive Area Overlay Zone shall be submitted to the Community Development Department. All subdivision or PUD project plans and/or reports shall be drawn to scale, not smaller than 1" = 100' and shall show topography at five-foot intervals for slopes greater than 30%, and one-foot contours for slopes less than 30%. All site plans and/or reports for building permits shall be drawn to scale, not smaller than 1" = 10', said site plans and/or reports shall show topographical contours at one-foot intervals.

(5) Engineering calculations made available to the City. All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Tooele City shall be made available to the City Engineer as a part of the land use application review and approval process. The City Engineer shall then have access to the engineering calculations in order to better advise the Planning Commission with regard to further review and approval of a proposed development.

(6) Conceptual Review. A land use application submitted under this Chapter shall first be reviewed conceptually by City staff, the Planning Commission, and the City Council. Conceptual review of development within the Sensitive Area Overlay Zone is intended to be a scoping process wherein initial development concerns and potential environmental hazards are evaluated. Additional information, studies, and reports will be required for preliminary approval. Conceptual review and approval does not bestow any vested rights. The only entitlement bestowed by conceptual review and approval is the procedural entitlement to proceed to the preliminary review.

(a) All applications shall comply with the provisions of the ordinances of Tooele City. All applications shall be accompanied by a site plan drawn to scale. Applications shall be prepared by a registered engineer, retained by the development applicant, licensed to practice in the State of Utah.

(b) Site plans shall include the following:

(i) a topographic contour map, tied to a land base survey, showing areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 21 and 30 percent, and areas of greater than 30 percent;

(ii) location of the proposed planned unit development, subdivision, cluster subdivision, or commercial development, in relation to abutting public streets;

(iii) the total acreage, number of lots, proposed total density, and slope analysis;

(iv) the location and approximate size of the proposed lots;

(v) a general street location, width, and grade of all proposed streets and radii of any cul-de-sacs;

(vi) location of existing or proposed schools, churches, or parks;

(vii) location of known geologic hazards such as land slides, flow fields, faults, drainages and rockfall, and the boundaries of the 100 year flood plain;

(viii) soil type and general description; and,

(ix) land use data, such as the amount of residential land and streets by acreage and percent.

(c) The Planning Commission shall consider applications for planned unit developments, subdivisions, or commercial developments, and shall forward their findings to the City Council for review. If the Planning Commission has a positive evaluation of the conceptual submittal, the Commission may allow the application to proceed with such conditions as the Commission deems necessary to secure the purposes as set forth in this Chapter.

(d) After receiving findings by the Planning Commission, the City Council shall make a determination whether the application complies with the requirements of this Chapter and should be allowed to proceed to preliminary approval.

(e) Expiration. Following conceptual review and approval, the applicant shall have 180 days to submit the completed land use application for preliminary review. Failure to do so shall result in the expiration of the conceptual approval.

(7) Preliminary Approval. In addition to the information required for preliminary approval for planned unit developments, cluster subdivisions, subdivisions, or commercial developments by other ordinances of Tooele City, additional information as set forth in this Section shall be required for developments in the Sensitive Area Overlay Zone. All reports as required herein shall be prepared by persons or firms licensed to practice their specialty or expertise in the State of Utah.

(a) Soil Characteristics Report. Data regarding the nature, distribution, and strength of soils within the project area shall be provided. The soil report shall include:

(i) unified classification of all solid soils with liquid limit, shrink-swell potential, and general suitability for development;

(ii) an estimate of the normal highest elevation of the seasonal water table;

(iii) flood history and potential; proximity to known special hazard flood areas, flood plain areas, and drainage channels;

(iv) topographic contours;

(v) depth of virgin soil below natural grade;

(vi) abundance, distribution, and general nature of exposures of earth materials; and,

(vii) soil stability at natural grade.

(b) Vegetation Report. An application shall include a slope stabilization and a revegetation report which shall include:

(i) location and identification, by species, of existing vegetation;

(ii) the vegetation to be removed and the method of disposal;

(iii) the vegetation to be planted;

(iv) slope stabilization measures to be installed;

(v) analysis of the environmental effect of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard;

(vi) a designation of topsoil stockpile areas;

(vii) solar orientation; and,

(viii) location and identification, by species, of existing vegetation, and an indication of vegetation proposed for removal and revegetation proposal.

(c) Geologic Conditions Report. An application shall include the following information:

(i) definition of any zones of deformation with respect to active faults and other mass movements of soil and rock;

(ii) identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site;

(iii) ground water characteristics;

(iv) depth to bedrock and geological evaluation;

(v) written recommendations for construction of proposed improvements to avoid impact of any potential geologic hazards;

(vi) rock fall and debris flow potential;

(vii) earthquake potential;

(viii) bedrock depth at proposed building footing locations;

(ix) bedrock: igneous, sedimentary, and metamorphic types; and,

(x) structural features, including stratification, stability, folds, zones of contortion or crushing, joints, fractures, shear zones, faults, and any other geologic limitations.

(d) Geotechnical Report. The application for preliminary approval shall include a geotechnical report prepared by a person or firm qualified by professional license, training, and experience to have expert knowledge of the subject. The report shall contain at least the following information:

(i) a geologic map, reflecting the items listed below. A clear distinction should be made between observed and inferred features and/or relationships.

(ii) location and size of subject area and its general setting with respect to major geographic and geologic features;

(iii) nature and source of available subsurface information;

(iv) stability of cut and reconfigured slopes, especially at the base of the cut slope;

(v) topography and slope analyses;

(vii) conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations covering the adequacy of sites to be developed, including pavement design, slope stability, etc.;

(viii) a written statement by the person or firm preparing the report identifying the means proposed to minimize hazard to life or property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment;

(ix) slope stability analysis of conditions both before and upon completion of proposed development activities, including identification of slide areas, unstable soils, flow fields, etc.; and,

(x) any other geologic hazards or conditions identified by the person or firm preparing the

geotechnical report which are not referenced above.

(d) Grading and Drainage Report. The application for preliminary approval shall include a storm water management and erosion grading plan on the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be accommodated during and after construction. The report and plan shall show:

(i) present topography, tied to a land base survey, to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of two feet of less;

(ii) access or haul road location, treatment and maintenance requirements;

(iii) a description of the methods to be employed to achieve stabilization and compaction;

(iv) drainage features;

(v) a clear delineation of the proposed area to be graded and the area amount stated in square feet.

(vi) location of existing buildings or structures on the site and location of existing buildings and structures on adjacent properties within 100 feet of the site, or which may be affected by any proposed grading or construction operations;

(vii) estimate of the normal highest elevation of the seasonal high-water table;

(viii) the location and size of swamps, springs, and seeps, and the reasons for the occurrence of these underground water sources; and,

(ix) (A) all calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures. Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or an appropriate equivalent. Equations should include factors of: rainfall intensity and energy; soil erodibility; land slope and length of slope or topography; condition of the soil surface and land management practices in use; and, surface cover; grass, woodland, crop, pavement, etc.

(B) An appropriate scale shall be used which most clearly presents the proposed action, generally 1" = 100' or larger.

(C) Depending upon the slope and complexity of a development with the Sensitive Area Overlay Zone, the Planning Commission may require proposed lots and/or streets to be staked for field inspection before plat approval.

(e) Planning Commission action. The Planning Commission shall consider the land use application and shall recommend to the City Council approval or disapproval. If the Planning Commission recommends preliminary approval of the application, the Planning Commission may attach such conditions as they deem necessary to secure the purposes as set forth in this Chapter.

(f) City Council action. After receiving recommendations for preliminary approval or disapproval of the land use application by the Planning Commission, the City Council may approve, approve with conditions, or disapprove the application. If the City Council approves the application, they may attach such conditions as they deem necessary to secure the purposes as set forth in this Chapter.

(g) Expiration. Following preliminary approval by the City Council, the land use application shall be filed with the Community Development Department for final approval. Failure to do so within 90 days of the approval shall result in the expiration of the preliminary approval.

(8) Final Approval.

(a) The land use application submitted for final review and approval shall include the information required by the provisions of this Chapter and the City's Subdivision Ordinance, including information required by the City Council and City Engineer as part of the preliminary approval. The City Engineer shall verify the completeness of the final land use application. The Community Development Director shall then approve the final land use application administratively in writing.

(b) Application for final approval shall include with the improvements drawings, spot elevations on all lot corners and contour grading plans. The scale will be the same as on the improvement drawings.

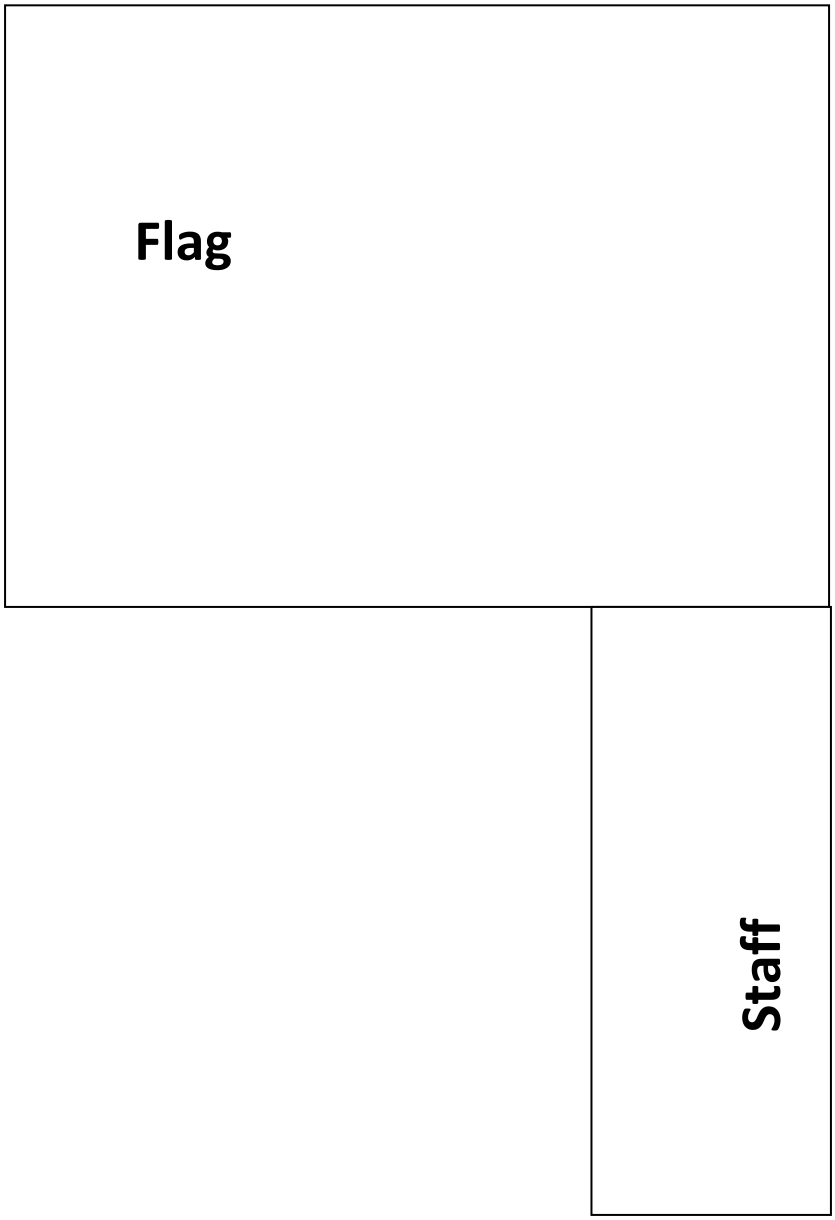
(c) All streets and building lots shall be named and addressed in compliance with City ordinances and policies.

(d) There shall be no construction, development or grading upon the development site until final approval described in this Section has been granted. Before the construction of single family dwelling units upon lots shall be allowed, a site plan drawn to a scale of at least 1" = 10' for such lots shall be submitted to the Community Development Department, which site plan shall show lot lines, existing and proposed contours at one-foot intervals, location of proposed single family dwelling units, walks, driveways and patio areas. The site plan shall also show vegetative, drainage, retaining walls, and erosion controls. Such site plan shall be attached to the building permit.

(e) Nothing in this Chapter shall exempt an applicant from compliance with the provisions of Tooele City Code Chapters 7-11 and 7-19 regarding site plan and subdivision. Separate land use applications are required by those chapters. (Ord. 2010-03, 04-21-2010); (Ord. 94-28; 05-24-94)

Figure One: Sensitive Area Overlay Map
Figure Two: Illustrative Flag Lot Configurations

FIGURE 2



CHAPTER 13. ZONING DISTRICTS

7-13-1. Establishment of Zoning Districts.
7-13-2. Rules for Locating Boundaries.

7-13-1. Establishment of Zoning Districts.

(1) In order to accomplish the purposes of this Title, Tooele City is hereby divided into the following zoning districts:

(a) Multi-Family Residential (MR-20)
(b) Multi-Family Residential (MR-16);
(c) Multi-Family Residential (MR-12);
(d) Multi-Family Residential (MR-8);
(e) Medium Density Residential (R1-7);
(f) Medium Density Residential (R1-8);
(g) Medium Density Residential (R1-10);
(h) Low Density Residential (R1-12);
(i) Low Density Residential (R1-14);
(j) Low Density Residential (R1-30);
(k) Low Density Residential (RR-1);
(l) Low Density Residential (RR-5);
(m) Low Density Residential (RR-20);
(n) Multiple Use (MU-160);
(o) Mixed Use - General (MU-G);
(p) Mixed Use - Broadway (MU-B);
(q) Neighborhood Commercial (NC);
(r) General Commercial (GC);
(s) Regional Commercial (RC);
(t) Light Industrial (LI);
(u) Industrial (I);
(v) Research and Development (RD)
(w) Residential Special District (RSD);
(x) Commercial Special District (CSD); and,
(y) Tooele City Business Park (TCBP).

(2) The location and boundaries of each of the zoning districts are shown on the zoning map entitled, "Tooele City Zoning." All boundaries, notations, and other data shown thereon are hereby adopted as part of this Title.

(3) Special Purpose Overlay Zoning Districts. From time to time the City may establish overlay zoning districts for specific purposes that apply on top of the base zoning districts identified in this Section. These overlay zoning districts may be established in other chapters of this Title based on their intended purpose.
(Ord. 2023-28, 06-07-2023) (Ord. 2022-22, 07-06-2022) (Ord. 2021-27, 07-21-2021) (Ord. 2019-08, 03-20-2019) (Ord. 97-21, 06-04-1997) (Ord. 1992-04, 06-09-1992)

7-13-2. Rules for Locating Boundaries.

Where uncertainty exists as to the boundary of any District, the following rules shall apply:

(1) Wherever the District 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, block or such property line, shall be construed to be the boundary of such District.

(2) Wherever such boundary line of such District 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 line of such public land or such section line shall be deemed to be the boundary of such District.

(3) Where such District boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.

(4) Where the application of the above rules does not clarify the District boundary location, the Board of Adjustment shall interpret the map.
(Ord. 2019-08, 03-20-19) (Ord. 1983-05, 04-20-1983)

CHAPTER 13a. OS OPEN SPACE ZONE

7-13a-1. Purpose.
7-13a-1.1. Land Use Designation.
7-13a-2. Conditional Uses.
7-13a-3. Temporary activities.
7-13a-4. Area requirements.
7-13a-5. Frontage requirements.
7-13a-6. Building height, size, and setbacks.
7-13a-7. Parking Requirements.
7-13a-8. Landscaping.
7-13a-9. Screening at district boundaries.
7-13a-10. Signs.
7-13a-11. Public improvements.
7-13a-12. Facilities maintenance.
7-13a-13. Above-ground utilities prohibited.

7-13a-1. Purpose.

The purpose of the Open Space Zone (OS) zoning district is to establish areas in the City where only open and generally undeveloped lands are to be permitted. Development of a comprehensive network of permanent, multi-functional, and publicly and privately owned open spaces are encouraged. Restrictions in this zone are designed to prevent the encroachment of permanent or long-term residential, commercial, and industrial uses into three open space areas which would be contrary to the purpose and characteristics of this zone.
(Ord. 2010-12, 11-03-10); (Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-1.1. Land Use Designation.

Land in the OS zoning district shall carry the OS designation in the General Plan-Land Use Element.
(Ord. 2010-12, 11-03-10)

7-13a-2. Conditional Uses.

The following shall be the conditional uses permitted in the OS zoning district:

(1) Botanical and zoological gardens;

(2) Forests;

(3) Conservation areas, including but not limited to wilderness areas, watershed areas, wildlife refuges, and wetlands;

(4) Public and private parks and recreation areas, including but not limited to playgrounds, athletic fields, golf courses, country clubs, tennis courts, swimming pools, and accessory uses to the above. Accessory uses include but are not limited to golf, tennis, swimming, the preparing and serving of food and beverages, and the sale of equipment and supplies in connection with the recreational activities engaged in upon the premises;

(5) Historic preservation and monument sites;

(6) Publicly dedicated open space;

(7) Open air theaters and meeting places;

(8) Public services;

(9) Public Schools;

(10) Cemetery; and,

(11) Fair Grounds.

(Ord. 2010-12, 11-03-10); (Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-3. Temporary activities.

(1) Temporary activities are permitted. For purposes of this Chapter, a temporary activity is in activity or event of limited duration to which the general public is invited.

(2) For purposes of this Chapter, a temporary vehicle sale at a fairground or park is a temporary activity. However, any such sale shall comply with Chapter 7-11a, as amended, and all other applicable regulations.
(Ord. 2010-12, 11-03-10); (Ord. 2003-09, 04-16-03)

7-13a-4. Area requirements.

A minimum 15,000 square-foot lot area is required for a parcel to be eligible for OS zoning designation. Lot area must be contiguous throughout with a minimum width in area of 20 feet.
(Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-5. Frontage requirements.

A minimum frontage of thirty-five (35) feet at the street right-of-way line is required for any parcel to be eligible for OS zoning designation.
(Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-6. Building height, size, and setbacks.

All building height, size, and setback requirements shall be as specified in this Title for structures within residential or commercial zones and as determined by the Community Development Department and the Planning Commission as part of the conditional use approval process.
(Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-7. Parking Requirements.

Parking shall be governed by Title 7, Chapter 4 of this Code, as amended.
(Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-8. Landscaping.

As a condition of both site plan and conditional use permit approval for uses permitted under Section 7-13a-2, all open space areas to be developed, not covered by building, pavement for roads and parking lots, or walkways, shall be landscaped as required by the Planning Commission as part of the conditional use approval process. A minimum of 20% of the site shall be fully landscaped.
(Ord. 2010-12, 11-03-10); (Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-9. Screening at district boundaries.

All open space properties abutting commercial or industrial areas shall be fenced, with view obscuring fencing. Further, all open space properties abutting residential areas shall be screened with appropriate landscaping that provides a transitional visual screen. Fencing and screening shall be the obligation of the industrial, commercial, or residential development abutting the OS property, and shall be a condition of subdivision and/or site plan approval. Fencing requirements for other open space properties shall be

determined by the Community Development Department and the Planning Commission as a part of the conditional use approval process.
(Ord. 2010-12, 11-03-10); (Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-10. Signs.

The only signs permitted in the OS zoning district shall be monument signs, guide signs, directional signs, wall signs, and temporary promotional signs compatible with the general purpose of this zone. All signs except temporary promotional signs must be approved by the Planning Commission as part of the conditional use approval process.
(Ord. 2010-12, 11-03-10); (Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-11. Public improvements.

Public improvements may be required by the Community Development Department and the Planning Commission as a part of the site plan and conditional use approval processes. The need for public improvements will be based on the details of the proposed development and use of the property. The improvements which may be required include but are not limited to the following:

(1) Curbs, gutters and drive approaches
(2) Sidewalks
(3) Waterways
(4) Medians
(5) Road base
(6) Paving and striping
(7) Fire hydrants
(8) Water and sewer main lines
(9) Water and sewer laterals
(10) Flood control and irrigation systems
(11) Any other required public improvements
(12) Street lights

(Ord. 2010-12, 11-03-10); (Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-12. Facilities maintenance.

Developers must submit to the Planning Commission a plan for the permanent care and maintenance of all open space properties and associated facilities provided for in the site plan. Acceptance of the plan shall be required for approval of a conditional use permit.

In the event the open space properties and associated facilities are not maintained consistent with the approved plan, the City may at its option cause such maintenance to be performed and assess the costs incurred to the property owner(s) or other responsible parties.
(Ord. 2003-09, 04-16-03); (Ord. 96-10, 03-06-96)

7-13a-13. Above-ground utilities prohibited.

In OS areas owned or maintained for purposes of viewshed, scenic vista, open space, watershed, or wildlife habitat protection, above-ground major utilities and corresponding utility corridors shall be prohibited. For purposes of this Section, a major utility is any utility transmission facility that is designed to serve, or that serves, properties or customers located outside any OS area. Tooele City deems such above-ground major utilities and corresponding utility corridors to be a threat to the City's ability to protect these OS areas for the important public purposes to which they have been appropriated. The prohibition in this Section excludes non-conveyance above-ground utility facilities, such as, water tanks, pump houses, chlorinators, valves, and vents.
(Ord. 2010-12, 11-03-10)

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

7-14-1. Residential Zoning Districts.
7-14-1.1 In-Fill Overlay District.
7-14-1.2. In-Fill Overlay District Streets.
7-14-2. Residential Zoning Districts Purpose.
7-14-3. Uses Allowed within the Residential Zoning Districts.
7-14-4. Table of Allowed Density and Table of Site Planning and Development Standards.
7-14-5. Table of Minimum Dwelling Unit Size.
7-14-6. Accessory Structure Requirements.
7-14-7. Porches.
7-14-8. Requirements.
7-14-9. Keeping of Animals and Household Pets.
7-14-10. Apiaries
7-14-11. Landscaping and Water Conservation With New Development.

7-14-1. Residential Zoning Districts.

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, Tooele City has established and identified on the Tooele City Zoning District Map the following residential zoning districts which govern the use, intensity, area and other requirements for the use of residential land as required by this Ordinance. The map accompanying this Ordinance, and incorporated herein by reference, identifies the location and extent of each residential zoning district within the City. All development, use, activity, and authorized permits and licenses shall adhere to all the provisions, standards, and requirements of the applicable zoning district.

To meet the purposes of this Ordinance, Tooele City is divided into the following residential and special purpose zoning districts:

Multi-Family Residential (MR-20)
Multi-Family Residential (MR-16)
Multi-Family Residential (MR-12)
Multi-Family Residential (MR-8)
Medium Density Residential (R1-7)
Medium Density Residential (R1-8)
Medium Density Residential (R1-10)
Low Density Residential (R1-12)
Low Density Residential (R1-14)
Low Density Residential (R1-30)
Low Density Residential (RR-1)
Low Density Residential (RR-5)
Low Density Residential (RR-20)
Multiple Use (MU-160)
In-Fill Overlay (IFO)
Residential Special District (RSD)

(Ord. 2022-22, 07-06-2022) (Ord. 2021-27, 07-21-2021) (Ord. 2019-08, 03-20-2019) (Ord. 2015-25, 12-16-2015) (Ord.1997-21, 06-04-1997)

7-14-1.1. In-Fill Overlay District.

The In-Fill Overlay special purpose zoning district is formulated to appropriately encourage residential development and redevelopment on lots and parcels of record that may be nonconforming or surrounded by developed land in order to more efficiently utilize residential land, existing public infrastructure, and public services. Table 5 to this Chapter establishes development standards designed to fulfill the purpose of the In-Fill Overlay district.

(Ord. 2015-25, 12-16-2015)

7-14-1.2. In-Fill Overlay District Streets.

(1) Intermediate Local Class Streets within the In-Fill Overlay District shall be identified as Garden Street north of 100 South.

(2) Secondary Local Class Streets within the In-Fill Overlay District shall be identified as 50 West and 150 West and Garden Street south of 100 South.

(Ord. 2017-27, 11-01-2017)

7-14-2. Residential Zoning Districts Purpose.

The residential zoning districts of Tooele City, and as presented in Table 1 and Table 2 are formulated and provided and achieve the following purposes:

(1) The purpose of the **MR-20**, **MR-16**, **MR-12**, and **MR-8** Multi-Family Residential districts is to provide an environment and opportunities for high-density residential uses, primarily, apartments, condominiums and townhouses at varying levels of density determined by the individual zoning districts. The **MR-8** zoning district is also intended to serve as a transitional district between principally single-family residential zoning districts and higher density multi-family zoning districts..

(2) The Medium Density Residential Districts **(R1-7**, **R1-8**, and **R1-10)** are designed to provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City's residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single-family dwellings and two-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.

(3) The Low Density Residential Districts **(R1-12**, **R1-14**, **R1-30)** provide for single family residential areas and single family dwelling units on larger individual lots.

(4) The Rural Density Residential Districts (RR-1, RR-5, RR-20) provide for single-family residential areas and single-family dwelling units on very large individual lots that support, allow, and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.

(5) The purpose of the Multiple Use District **(MU-160)** is to provide areas in mountain, hillside, canyon, valley, desert and other open and generally undeveloped lands where residential uses should be limited in order to protect the land resource, to limited demands for public facilities and services, to provide opportunities for

forestry, agriculture, mining, wildlife habitat, and recreation, to avoid damage to water resources and water shed areas, and to protect the health and safety of the residents of the City and adjoining areas.

(6) The purpose of the Residential Special District (RSD) is to provide a master planned, architecturally designed residential development where customized zoning requirements are developed and implemented to apply to a specific geographic area in order to permit flexibility and initiative to produce a unique, cohesive development to achieve the following:

(a) Protecting and enhancing the value of properties by encouraging the use of good design principles and concepts through development planning with full recognition of the significance and effect they can have on the proper planning and development of subject properties as well as adjacent and nearby properties;

(b) Provide a mechanism whereby reasonable and unique developments may be approved that provide a benefit to the development, the residents within the proposed development, and the community as a whole that may not be specifically possible under the base tenets of this Title.

(c) Encouraging and maintaining the orderly and harmonious appearance, attractiveness, and aesthetic development of structures and grounds;

(d) Providing a method whereby specific development plans, based upon City criteria and policy may, at the discretion of the City, be required for the systematic and orderly development of the city;

(e) Encouraging excellence of property development, compatible with plans and policies of the City, with due regard for the public and private interests involved; and

(f) Ensuring that the public benefits derived from the beautification of developments and uses shall be protected by exercise of reasonable controls over the character and design of private buildings, structures and open spaces.

(Ord. 2022-22, 07-06-2022) (Ord. 2021-27, 07-21-2021) (Ord. 2019-08, 03-20-2019) (Ord. 1997-21, 06-04-1997)

7-14-3. Uses Allowed within the Residential Zoning Districts.

The Table of Uses (Table 1) identifies the uses allowed within each Residential Zoning District of the City. The Table of Uses identifies uses allowed as a Permitted Use (identified as "P" in the Table of Uses) and uses allowed as a Conditional Use (identified as "C" in the Table of Uses). Uses not identified as either a Permitted or Conditional Use are deemed to be prohibited.

(Ord. 1997-21, 06-04-1997)

7-14-4. Table of Allowed Density and Table of Site Planning and Development Standards.

The table of Allowed Density (Table 2) and the table of Site Planning and Development Standards (Table 3) identifies the residential intensity, lot area requirements, site development standards, site coverage standards, and other requirements for the uses allowed within each Residential Zoning District provided by Tooele City.

(Ord. 2019-08, 03-20-2019) (Ord. 1997-21, 06-04-1997)

7-14-5. Table of Minimum Dwelling Unit Size.

Table 4 establishes the minimum dwelling unit size allowed within the Residential Zoning Districts of the City. Multi-family dwelling projects are encouraged to provide a variety of unit sizes and layouts. Multi-family dwelling projects may be permitted to include one-bedroom units for up to one-third of the total units within any one project. For projects that are approved or constructed in phases, each phase approved or constructed shall maintain compliance with the terms of this section regarding the allowance for one-bedroom units as if each phase is an independent project.

(Ord. 2020-39, 09-16-2020) (Ord. 2019-08, 03-20-2019) (Ord. 1997-21, 06-04-1997)

7-14-6. Accessory Structure Requirements.

Accessory buildings and structures on residential lots may only be permitted if they are accessory to an established primary residential structure, or, if they are constructed in conjunction with a primary residential structure. Accessory buildings and structures shall comply with the following requirements:

(1) All accessory buildings and structures shall be required to comply with the minimum front yard setback and shall be set back a minimum of at least six feet from the principal structure.

(2) All accessory buildings and structures shall be setback a minimum of five feet from the rear and side property lines. This five feet setback may be reduced to one foot provided the following requirements are met:

(a) accessory buildings are constructed in such a manner that the roof does not infringe or drain onto adjoining property;

(b) the wall adjacent to the property line is constructed of fire resistant materials which provide a one-hour or greater fire rating; and,

(c) no accessory structure may encroach upon a public utility and drainage easement.

(3) No accessory building or structure or group of accessory buildings or structures shall cover more than 8% of the total lot area, except as may be allowed by the provisions of 7-14-6(9).

(4) No accessory building or structures shall encroach upon any easement or right-of-way.

(5) Detached garages and all other accessory buildings and structures shall be located at least ten feet from any dwelling or main building located on an adjoining lot.

(6) All accessory buildings accessed by vehicle (for example: detached garage) shall be set back a minimum of 25 feet from the public right-of-way from which the accessory building is vehicle accessed.

(7) Accessory buildings and structures located in the side yard of an interior lot or the street side yard of a corner lot shall not exceed 15 feet in height. Views of accessory buildings and structures from adjoining streets and properties shall be screened with a visual screening

treatment. On corner lots all accessory buildings and structures shall be located to the rear of the main building.

(8) Separate meter connections for water, sewer, gas, or other utilities are not permitted for any accessory building or structure.

(9) All detached garages and other accessory structures which exceed the 8% lot coverage restriction for accessory buildings, or which are taller than 15 feet in height as measured at the mid-point of the roof pitch, require a hearing before the Planning Commission and will be considered a Conditional Use in all residential zoning districts. The Planning Commission will determine and consider any adverse impacts the proposed building or structure may have on adjoining properties. Notice of the Planning Commission hearing shall be sent by regular mail to all adjoining property owners, the applicant being required to pay all the costs incurred by the City to provide the required notice. The Planning Commission shall approve or deny the conditional use application pursuant to Tooele City Code Chapter 7-5.

(10) Metal shipping containers and other similar containers are prohibited as accessory storage structures in all residential zoning districts.

(Ord. 2024-15, 05-15-2024) (Ord. 2019-08, 03-20-2019) (Ord. 2012-09, 04-18-2012) (Ord. 2009-15, 12-02-2009) (Ord. 1997-21, 06-04-1997)

7-14-7. Porches.

Porches are allowed provided the following minimum requirements are met:

(a) The porch shall be no closer than 20 feet to the front property line; and,

(b) Any roof overhang shall not be greater than two feet and,

(c) The porch may not be deeper (front to back) than seven feet; and,

(d) The porch area shall be included in determining lot coverage; and,

(e) The porch shall not be closed in; and,

(f) A building permit for the porch must be obtained prior to construction.

(Ord. 2019-08, 03-20-2019) (Ord. 2003-24, 11-05-2003)

7-14-8. Requirements.

The standards and requirements applicable to the Residential Zoning Districts provided by Tooele City shall be as identified in Chapter 7-4.

(Ord. 2019-08, 03-20-2019) (Ord. 2003-24, 11-05-2003) (Ord. 1997-21, 06-04-1997)

7-14-9. Keeping of Farm Animals and Pets.

(1) Except as modified in subparagraph (2) applicable to pets, the following requirements apply to the keeping of farm animals within the residential zoning districts of the City:

(a) No farm animal(s) shall be kept on any lot in the MR-20, MR-16, MR-12, MR-8, R1-7, R1-8, R1-10, R1-12, or R1-14 Districts or on any lot smaller than 30,000 square feet.

(b) The number of farm animals kept on any lot or parcel in the R1-30 District shall not exceed one farm animal unit, as defined herein, for each 10,000 square feet of lot or parcel size.

(c) Farm animals may be kept on any lot or parcel in the RR-1, RR-5, RR-20 and MU-160 districts without restriction to the number of farm animals, provided the keeping of farm animals in these districts does not constitute a nuisance as defined in the laws of the City.

(d) No farm animal(s) shall be kept on any lot or parcel where less than 20,000 square feet of the lot or parcel is used as livestock management, nor shall fractional animal units be permitted. Livestock management areas shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens or cultivated grounds, where animal waste can be spread, but shall not include any area of the lot or parcel devoted to dwellings, sidewalks, driveways or lawns.

(e) One animal unit shall be any one of the following: One cow, one horse, one donkey, four adult sheep, eight feeder lambs, four goats, or 12 fowl, together with the suckling offspring thereof.

(f) Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited at the rear of the main building, and shall comply with all other setback and yard requirements for the district.

(g) The following additional requirements shall apply to the location of all pens, corrals, barns, stables, coops, and other structures for the confinement and keeping of animals:

(i) All such structures shall be setback at least 100 feet from all streets.

(ii) All such structures and buildings shall be located at least 50 feet from all dwellings located on adjoining lots or parcels, or if any adjoining lot or parcel does not have a dwelling located thereon, at least 30 feet from the property lines of the adjacent lot or parcel.

(2) Pet rabbits, ducks, and chicken hens are permitted in the MR-20, MR-16, MR-12, MR-8, R1-7, R1-8, R1-10, R1-12, and R1-14 Districts. No more than a total of six animals in any combination of rabbits, ducks, and chicken hens are allowed on any lot in these districts. Houses, cages, pens, coops, etc. shall be provided for all animals kept outdoors. As of January 1, 2017, a legal nonconforming rooster that dies or is removed from a property located in the above-enumerated zoning districts shall not be replaced.

(3) Nuisance. In all zoning districts of the City, persons owning or harboring farm animals may not keep their animals in any manner that constitutes a nuisance as defined by City ordinance.

(Ord. 2022-22, 07-06-2022) (Ord. 2019-08, 03-20-2019) (Ord. 2016-17, 11-02-2016) (Ord. 2008-11, 11-05-2008) (Ord. 2003-24, 11-05-2003)

7-14-10. Apiaries.

(1) Definitions. The following words, terms, and phrases, when used in this Section, shall have the following meanings:

(a) Apiary: a place where bee colonies are kept.

(b) Bee: any stage of the common domestic honey bee species, *Apis Mellifera*.

(c) Beekeeper: a person who owns or has charge of one or more colonies of bees.

(d) Beekeeping Equipment: anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

(e) Colony: a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

(f) Hive: a structure intended for the housing of a bee colony.

(g) Parcel: a continuous parcel of land under common ownership.

(2) Hives. All bee colonies shall be kept in inspectable type hives with removable combs. Hives shall be kept in a sound and usable condition.

(3) Setback. All hives shall be located at least five (5) feet from any adjoining property with the back of the hive facing the nearest adjoining property.

(4) Fencing of flyways. In each instance in which any colony is situated within 25 feet of a developed public or private property line of the parcel upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence parallel to the property line and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of a least six feet above ground level over the property lines in the vicinity of the apiary.

(5) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, pet water bowls, birdbaths, or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

(6) Maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(7) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.

(8) Colony Densities. Up to four colonies may be kept on a parcel of property one acre or less in size. Each additional colony over four shall require one-quarter acre of land in addition to the base one acre. Examples: six colonies requires at least 1.5 acres; ten colonies requires at least 2.5 acres. No more than 20 colonies may be kept on any parcel or group of contiguous parcels under common ownership. The keeping of more than four colonies requires a business license.

(9) State Registration. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

(10) Prohibited. The keeping by any person of bee colonies in the City not in strict compliance with this section is prohibited. Any bee colony residing in a standard or homemade hive which, by virtue of its condition, appears to have been abandoned, is unlawful and may be summarily destroyed or removed from the City by the Community Development Director or designee.

(11) Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

(Ord. 2019-08, 03-20-2019) (Ord. 2011-09, 05-04-2011)

7-14-11. Landscaping and Water Conservation With New Development.

(1) Sod or seeded lawn grass shall be prohibited in all park strips.

(2) Lots shall be landscaped with no more than 50% of front and side yards area as natural lawn grass. Front and side yard landscaping shall be regularly maintained by the property owner. Landscaping is strongly encouraged to result in no or reduced water use. Artificial turf may be use. Irrigation needed for planting outside of lawn areas shall be a drip-style irrigation system.

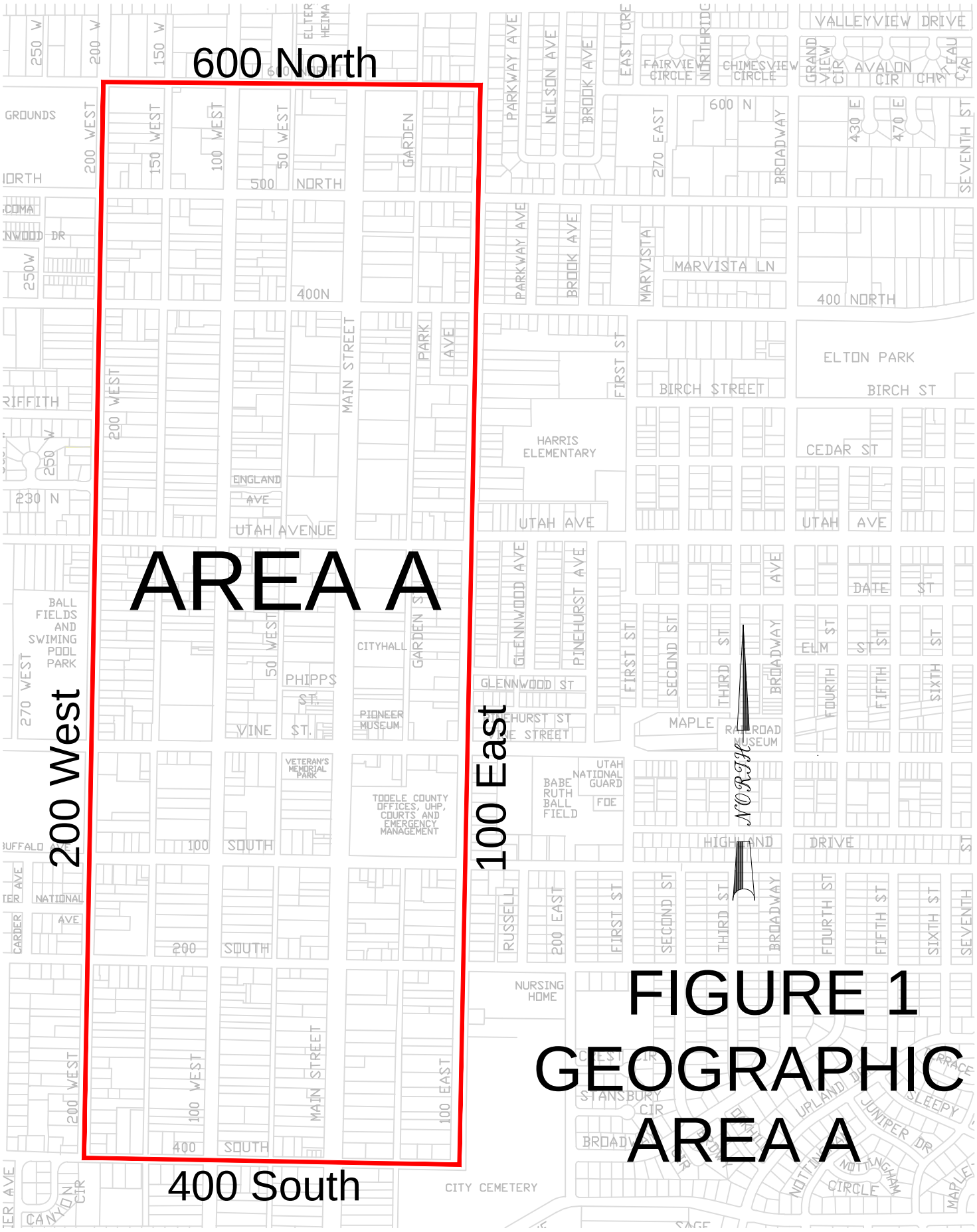
(Ord. 2026-11, 05-06-2026) (Ord. 2023-22, 06-07-2023)

Tables:

Table 1: Table of Uses
Table 2: Allowed Density
Table 3: Site Planning and Development Standards for Primary Buildings and Structures
Table 4: Minimum Dwelling Unit Size
Table 5: In-Fill Overlay District Development Standards

Figures:

Figure 1: Geographic Area A
Figure 2: Geographic Area B


600 North
AREA A
200 West
100 East
400 South
FIGURE 1
GEOGRAPHIC
AREA A
MAIN STREET
100 WEST
200 WEST
150 WEST
50 WEST
270 WEST
100 EAST
200 EAST
400 NORTH
500 NORTH
400N
600 N
400 SOUTH
200 SOUTH
100 SOUTH
230 N
250 W
200 W
150 W
270 EAST
430 E
470 E
PARK AVE
PARKWAY AVE
NELSON AVE
BROOK AVE
EAST CRE
MARVISTA
MARVISTA LN
VALLEYVIEW DRIVE
FAIRVIEW CIRCLE
CHIMESVIEW CIRCLE
GRAND VIEW CIR
AVALON CIR
BROADWAY
SEVENTH ST
GARDEN
GARDEN ST
FIRST ST
BIRCH STREET
BIRCH ST
ELTON PARK
HARRIS ELEMENTARY
CEDAR ST
UTAH AVE
UTAH AVENUE
ENGLAND AVE
GLENNWOOD AVE
PINEHURST AVE
GLENNWOOD ST
PINEHURST ST
SECOND ST
THIRD ST
FOURTH ST
FIFTH ST
SIXTH ST
DATE ST
ELM ST
MAPLE
HIGHLAND DRIVE
RAILROAD MUSEUM
CITYHALL
PHIPPS ST.
VINE ST.
PIONEER MUSEUM
VETERAN'S MEMORIAL PARK
TOOELE COUNTY OFFICES, UHP, COURTS AND EMERGENCY MANAGEMENT
BALL FIELDS AND SWIMING POOL PARK
BABE RUTH BALL FIELD
UTAH NATIONAL GUARD
FOE
RUSSELL
NURSING HOME
CITY CEMETERY
STANSBURY CIR
UPLAND DR
JUNIPER DR
SLEEPY
NOTTINGHAM CIRCLE
CANYON CIR
NATIONAL AVE
GROUNDS
NORTH
RIFFITH
NWOOD DR
BUFFALO
CARDER AVE
TER AVE
NORTH

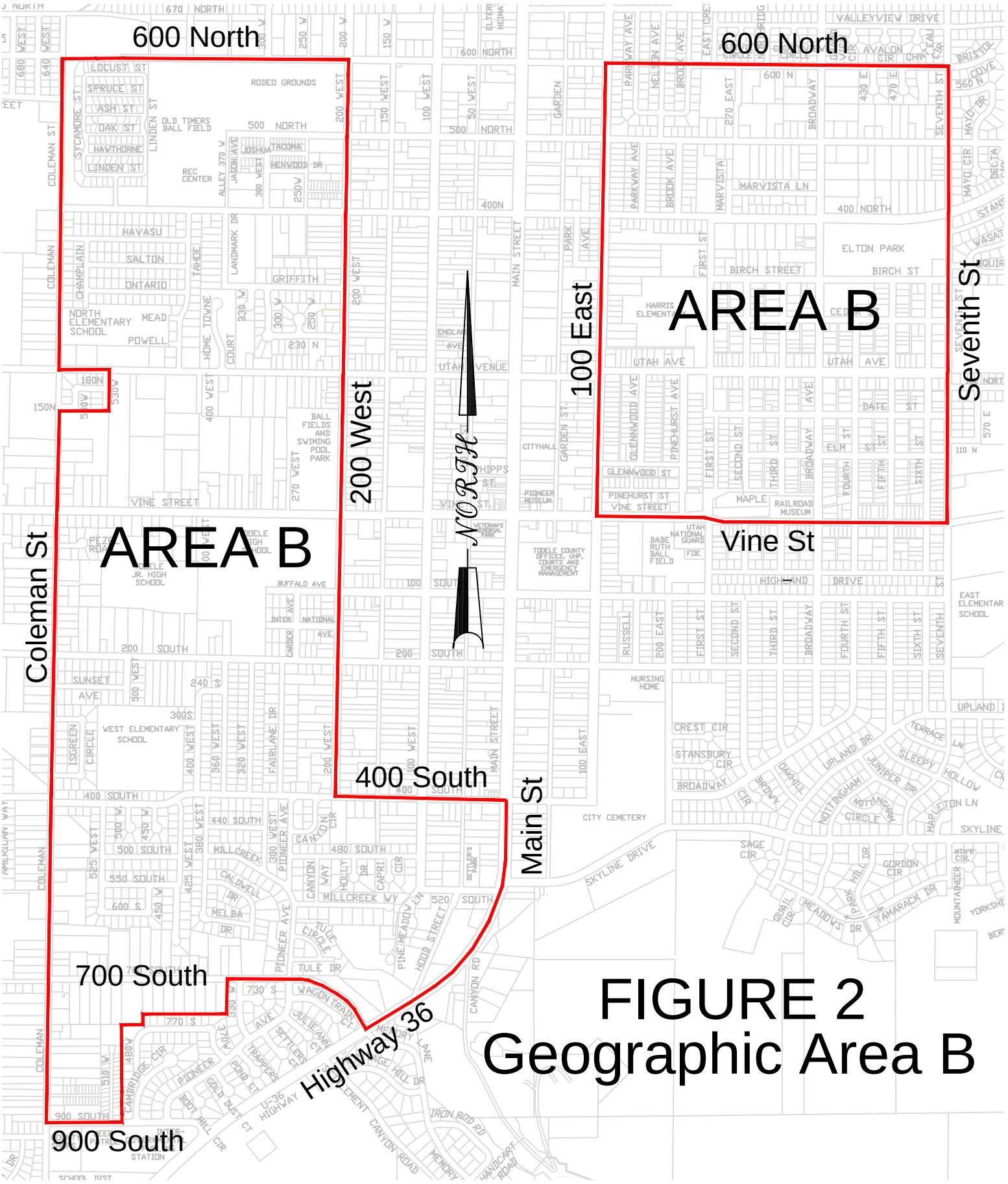


FIGURE 2
Geographic Area B

TABLE 1
TABLE OF USES

USE	DISTRICT													
	MR-25	**MR-16**	**MR-12**	**MR-8**	**R1-7**	**R1-8**	**R1-10**	**R1-12**	**R1-14**	**R1-30**	**RR-1**	**RR-5**	**RR-20**	**MU-160**
Accessory Buildings and Uses	C	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Units					P	P	P	P	P	P	P	P	P	P
Agriculture (Forestry/Horticulture Production)		P	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture (Livestock Production)										C	C	C	C	C
Agriculture Business												C	C	C
Apiary					P	P	P	P	P	P	P	P	P	P
Bed and Breakfast Inn		C	C	C	C	C	C	C	C	C	C	C	C	C
Campgrounds												C	C	P
Churches and Religious Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Commercial Day-Care / Pre-School		C	C	C	C									
Commercial Kennel / Animal Hospital												C	C	C
Concrete and Asphalt Plant														C
Day Treatment Facility and Program		C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling: Single-Family					P	P	P	P	P	P	P	P	P	P
Dwelling: Two-Family		P	P	P	P	C								
Dwelling: Multi-Family	P	P	P	P										
Dwelling: Cabin / Seasonal Home													C	C

RESIDENTIAL ZONING DISTRICTS

USE	DISTRICT													
	MR-25	**MR-16**	**MR-12**	**MR-8**	**R1-7**	**R1-8**	**R1-10**	**R1-12**	**R1-14**	**R1-30**	**RR-1**	**RR-5**	**RR-20**	**MU-160**
Dwelling: Condominium	P	P	P	P	C	C								
Dwelling: Farm and Ranch Employee Housing													C	C
Dwelling: Manufactured Housing Unit		P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling: Townhouse	P	P	P	P										
Gardening		P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Course / Country Club	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Home Occupation	P[2]	P	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation - Day Care / Preschool		C	C	C	C	C	C	C	C	C	C	C	C	C
Hospital	C	C	C	C	C									
Medical and Dental Clinic Accessory to a Hospital and Located on the Same Premises		C	C	C	C									
Mine, Quarry, Gravel Pit, Rock Crusher														C
Mobile Home Parks														
Mobile Home Subdivision														
Nursery / Greenhouse (wholesale and retail)											C	C	C	C
Open Space Areas, Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park and Ride Facilities Located on Arterial Streets	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Private and Public Schools	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Private Parks	C	C	C	C	C	C	C	C	C	C	C	C	C	C
USE	**DISTRICT**													
	MR-25	**MR-16**	**MR-12**	**MR-8**	**R1-7**	**R1-8**	**R1-10**	**R1-12**	**R1-14**	**R1-30**	**RR-1**	**RR-5**	**RR-20**	**MU-160**
Residential Support Facility and Programs		P	P	P	P	P	P	P	P	P	P	P	P	P
Private Recreational Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C
Professional Offices		C	C	C	C									
Public Buildings, Facilities and Parks	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public and Private Utility Transmission Lines and Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Residential Facilities for Persons with a Disability	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential Facilities for Elderly Persons	P	C	C	C	C	C	C	C	C	C	C	C	C	C
Residential Support Facility and Programs	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]
Residential Treatment Facilities and Programs		C	C	C										C
Retirement Center		C	C	C	C	C	C	C						C
Sports Fields	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Concessions Located in Public Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Construction Buildings and Storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Sales Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Seasonal Use											P	P	P	
Vacation Resort / Vacation Ranch													C	C

Note 1. Permitted Use with Conditions
Note 2. Home Office with No Customers Only
(Ord. 2025-22, 07-16-2025) (Ord. 2022-22, 07-06-2022) (Ord. 2020-37, 10-07-2020) (Ord. 2019-13, 08-21-2019) (Ord. 2019-08, 03-20-2019)

TABLE 2
ALLOWED DENSITY

	RESIDENTIAL ZONING DISTRICTS									
	Multi-Family				Medium Density			Low Density		
	MR-20	**MR-16**	**MR-12**	**MR-8**	**R1-7**	**R1-8**	**R1-10**	**R1-12**	**R1-14**	**R1-30**
Single Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	Not Permitted	Not Permitted	Not Permitted	P / 7,000	P / 8,000	P / 10,000	P / 12,000	P / 14,000	P / 30,000
Two-Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	P / 10,000 Twin Home - 5,000 each lot	P / 11,000 Twin Home - 5,500 each lot	P / 12,000 Twin Home - 6,000 each lot	P / 14,000 Twin Home - 7,000 each lot	P / 16,000 Twin Home - 8,000 each lot	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Multi-Family Dwelling	P Maximum 25 Units Per Acre	P Maximum 16[3] Units Per Acres	P Maximum 12[3] Units Per Acre	P Maximum 8 Units Per Acre	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Multi-Family Dwelling Minimum Lot Size	No Minimum[4]	No Minimum[4]	No Minimum[4]	No Minimum[4]						
Maximum Dwelling Units Per Acre for PUD	20.0	16.0	12.0	8.0	5.0	4.0	3.5	3.0	2.5	1.2
Other Allowed Uses (Minimum Square Feet Required)	8,000	8,000	8,000	8,000	10,000	10,000	12,000	12,000	14,000	30,000

TABLE 2 (Continued)

	Residential Zoning Districts			
	Rural Density			**Multiple Use**
	RR-1	**RR-5**	**RR-20**	**MU-160**
Zones Being Replaced by Inclusion	RR-1	RR-5	RR-20	MU-160
Single Family Dwelling / Minimum Lot Size (sq. ft.)	P / 1 acre	P / 5 acres	P / 20 acres	P / 160 acres
Two-Family Dwelling / Minimum Lot Size (sq. ft.)	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Multi-Family Dwelling Minimum Lot Size	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Maximum Dwelling Units Per Acre for PUD	1.0	0.2	0.05	0.0063
Other Allowed Uses (Minimum Square Feet Required)	43,560	5 acres	20 acres	160 acres

(2025-22, 07-16-2025) (Ord. 2022-22, 07-06-2022)

Note 1. Repealed. (Ord. 2019-08, 03-20-2019) (Ord. 2018-13, 08-15-2018)
Note 2. Multi-Family residential projects in the MU-B zoning district proposed as a redevelopment of a registered historical building shall have no maximum density requirement. (Ord. 2018-13-08-15-2018)
Note 3. Multi-Family residential projects in the MU-B zoning district shall be a maximum of 25 dwelling units per acre. (Ord. 2018-13, 08-15-2018)
Note 4. See Table 4 of Chapter 7-14. (Ord. 2019-08, 03-20-2019)

TABLE 3
SITE PLANNING AND DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES

	Residential Zoning District													
	MR-20	**MR-16**	**MR-12**	**MR-8**	**R1-7**	**R1-8**	**R1-10**	**R1-12**	**R1-14**	**R1-30**	**RR-1**	**RR-5**	**RR-20**	**MU-160**
Minimum Lot Width (at front property line)	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (interior lots at front setback, single-family)					60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width[3] (corner lots at front setback on each frontage, single family)					80 feet	90 feet	100 feet	110 feet	120 feet	120 feet	120 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (at front setback, two-family)	60 feet	60 feet	60 feet	60 feet	60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (at front setback, all other residential uses)					60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Front Yard Setback	25 feet[2]	25 feet[2]	25 feet[2]	25 feet[2]	20 feet	20 feet	25 feet	25 feet	25 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Minimum Rear Yard Setback[5] (interior lot)	20 feet[2]	25 feet[2]	25 feet[2]	25 feet[2]	20 feet	20 feet	25 feet[1]	25 feet[1]	30 feet[1]	30 feet	30 feet	60 feet	60 feet	60 feet

Table 3 (Continued)

	Residential Zoning District													
	MR-25	**MR-16**	**MR-12**	**MR-8**	**R1-7**	**R1-8**	**R1-10**	**R1-12**	**R1-14**	**R1-30**	**RR-1**	**RR-5**	**RR-20**	**MU-160**
Minimum Rear Yard[5] Setback (Corner Lot)	20 feet[2]	20 feet	20 feet	20 feet	20 feet	20 feet	30 feet[1]	30 feet[1]	30 feet[1]	30 feet	30 feet	60 feet	60 feet	60 feet
Minimum Side Yard Setback (Interior Lot)	10 feet[2]	6 feet[2]	6 feet[2]	6 feet[2]	6 feet$_2$	8 feet$_2$	10 feet	10 feet	10 feet	12 feet	20 feet	20 feet	60 feet	60 feet
Minimum Side Yard Setback (Corner Lot)	15 feet[2]	15 feet[2]	15 feet[2]	15 feet[2]	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	30 feet	60 feet	60 feet	60 feet
Maximum / Minimum Building Height[4]	45 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story
Total Lot Coverage (all buildings)	40%	40%	40%	40%	35%	35%	35%	35%	35%	25%	20%	10%	10%	10%

(Ord. 2025-22, 07-16-2025) (Ord. 2022-22, 07-06-2022) (Ord. 2020-45, 11-18-2020)

Note 1. The minimum rear yard setback may be reduced by up to 25% for not more than 20% of the width of the rear yard, measured at the rear yard property line.
(Ord. 2020-45, 11-18-2020) (Ord. 2005-15. 06-15-2005) (Ord. 2003-24, 11-05-2003) (Ord. 2000-08, 06-07-2000)

Note 2. Multi-family developments subject to Chapter 7-11a of this Title shall follow setback requirements in Section 7-11a-6. Twin Homes may be permitted a zero lot line for internal side setbacks.
(Ord. 2025-22, 07-16-2025) (Ord. 2019-08, 03-20-2019)

Note 3. Minimum lot width for corner lots may be reduced to the minimum lot width requirement of interior lots when proper notation of the approved plat determines and restricts the orientation of the primary residential structure on the lot to that frontage only.
(Ord. 2020-5, 11-18-2020)

Note 4. For churches and religious worship facilities over 50,000 square feet see Section 7-2-8.
(Ord. 2021-05, 02-17-2021)

Note 5. All uncovered porches, walk-out basement stairwells, decks, and balconies, may extend or encroach into the rear yard setback, subject to adopted uniform codes.
(Ord. 2024-14, 05-15-2024)

TABLE 4
MINIMUM DWELLING UNIT SIZE (Finished Square Feet)[1]

Zoning District	**ONE STORY** (includes Split Level and Split Entry)						**TWO STORY** (Total Both Levels)		
	With Single Covered Parking[4]		With Single Garage[4]		With Double + Garage[4]		With Single Covered Parking[4]	With Single Garage[4]	With Double + Garage[4]
	1 bedroom units[2]	2+ bedroom units	1 bedroom units[2]	2+ bedroom units	1 bedroom units[2]	2+ bedroom units			
MR-20[3]	700	850	700	800	700	800	1000	1000	1000
MR-16[3]	700	850[1]	700	800[1]	700	800[1]	1250	1165	1100
MR-12[3]	700	850	700	800	700	800	1300	1200	1100
MR-8[3]	700	850	700	800	700	800	1350	1250	1125
R1-7	Not Permitted		Not Permitted		800		Not Permitted	Not Permitted	1125
R1-8	Not Permitted		Not Permitted		800		Not Permitted	Not Permitted	1250
R1-10	Not Permitted		Not Permitted		1300		Not Permitted	Not Permitted	1625
R1-12	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-14	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-30	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-1	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-5	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-20	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
MU-160	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685

RESIDENTIAL ZONING DISTRICTS

(Ord. 2022-22, 07-06-2022)

Note 1. The Minimum dwelling unit size for a multi-family residential project proposed as a redevelopment of a registered historical building shall be 400 square feet when approved by the planning commission through design review in compliance with Title 7 Chapter 11 of the Tooele City Code.
(Ord. 2020-39, 09-16-2020) (Ord. 2020-20, 05-06-2020) (Ord. 2019-08, 03-20-2019) (Ord. 2018-13, 08-15-2018) (Ord. 2008-10, 07-02-2008)
(Ord. 1999-07, 04-06-1999)

Note 2. See Section 7-14-5.
(Ord. 2020-39, 09-16-2020)

Note 3. For Multi-Family Dwelling Units Directly Associated with Residential Support Programs see Section 7-11a-2.
(Ord. 2021-35, 09-15-2021)

Note 4. No garage is required for dwelling units that are owner-occupied housing priced at 80% of the Tooele County median home price.
(Ord. 2025-14, 05-21-2025)

TABLE 5
IN-FILL OVERLAY DISTRICT DEVELOPMENT STANDARDS

Development Standard	Geographic Area A	Geographic Area B	Nonconforming Lot/Parcel
Minimum Front Yard Setback	May reduce up to 65% of underlying zoning district	May reduce up to 80% of underlying zoning district	May reduce up to 90% of underlying zoning district, or to historic foundation line, whichever is less.
Minimum Lot Width at Front Setback (all residential uses in residential zones)	May reduce to 80% of underlying zoning district	May reduce to 90% of underlying zoning district	Per underlying zoning district
Minimum Garage Setback	25 feet	25 feet	25 feet
Minimum Rear Yard Setback (interior lot)	May reduce to 65% of underlying zoning district	May reduce to 80% of underlying zoning district	May reduce to 90% of underlying zoning district, or to historic foundation line, whichever is less.
Minimum Rear Yard Setback (corner lot)	May reduce to 65% of underlying zoning district	May reduce to 80% of underlying zoning district	May reduce to 90% of underlying zoning district, or to historic foundation line, whichever is less
Minimum Side Yard Setback (interior lot)	May reduce to 65% of underlying zoning district, or to 5 feet, whichever is greater	May reduce to 80% of underlying zoning district, or to 5 feet, whichever is greater	May reduce to 90% of underlying zoning district, or to 5 feet, whichever is greater, or to historic foundation line
Minimum Side Yard Setback (corner lot)	May reduce to 65% of underlying zoning district, or to 5 feet, whichever is greater	My reduce to 80% of underlying zoning district, or to 5 feet, whichever is greater	May reduce to 90% of underlying zoning district, or to 5 feet, whichever is greater, or to historic foundation line
Total Lot Coverage (all buildings)	May increase to 135% of underlying zoning district	May increase to 120% of underlying zoning district	May increase to 110% of underlying zoning district
Lot Size	May reduce to 80% of underlying zoning district	May reduce to 80% of underlying zoning district	May reduce to 80% of underlying zoning district
Roadway Improvements Required	As required by Tooele City Code	As required by Tooele City Code	As required by Tooele City Code

Table 5 (continued)

Development Standard	Geographic Area A	Geographic Area B	Nonconforming Lot/Parcel
Water Rights (payment of fee in lieu of conveyance - for single-lot developments only)	Pay 50% of the fee-in-lieu established by the City	Pay 75% of the fee-in-lieu established by Tooele City	Pay 100% of the fee-in-lieu established by the City

(Ord. 2023-42, 10-18-2023) (Ord. 2020-38, 10-07-2020) (Ord. 2019-24, 10-02-2019) (Ord. 2019-08, 03-2019) (Ord. 2015-25, 12-16-2015)

Figure 1: Geographic Area A
Figure 2: Geographic Area B

(Ord. 2015-25, 12-16-2015)

CHAPTER 14a. ACCESSORY DWELLING UNITS

7-14a-1. Definitions.
7-14a-2. Purposes.
7-14a-3. Primary Dwelling Requirement.
7-14a-4. Owner occupancy requirement.
7-14a-5. Permitted use.
7-14a-6. Types of ADUs.
7-14a-7. Number of ADUs per Lot.
7-14a-8. Planned Unit Developments.
7-14a-9. Resident Limit.
7-14-10. Minimum Lot Size.
7-14a-11. Size.
7-14a-12. Height.
7-14a-13. Setbacks.
7-14a-14. Separation.
7-14a-15. Lot coverage.
7-14a-16. Utilities - Water and Sewer Laterals.
7-14a-17. Addressing.
7-14a-18. Mailbox.
7-14a-19. Subdivision.
7-14a-20. Design.
7-14a-21. Site plan.
7-14a-22. Parking.
7-14a-23. Entrances.
7-14a-24. Site Location.
7-14a-25. Impact Fee Reductions.
7-14a-26. Water Rights.
7-14a-27. Fee Exemptions.
7-14a-28. Building Permits - Building Codes - Foundations.
7-14a-29. Variance.
7-14a-30. Conversion.
7-14a-31. Business License.
7-14a-32. Home Occupation.
7-14a-33. Registration.
7-14a-34. Violation - Notice - Civil Penalties.
7-41a-35. Zoning Administrator - Appeals.

7-14a-1. Definitions.

The terms “Accessory Dwelling Unit,” “ADU,” “Base Zoning District,” and “Primary Dwelling” shall have the meanings given in Section 7-1-5.
(Ord. 2019-13, 08-21-2019)

7-14a-2. Purposes.

The purposes of this Chapter are as enumerated in Ordinance 2019-13.
(Ord. 2019-13, 08-21-2019)

7-14a-3. Primary Dwelling Requirement.

No ADU in a single-family residential or mixed-use zoning district shall be permitted or constructed except as an accessory dwelling to a habitable primary dwelling.
(Ord. 2019-13, 08-21-2019)

7-14a-4. Owner occupancy requirement.

Either the primary dwelling or the ADU must be occupied by the primary dwelling owner.
(Ord. 2019-13, 08-21-2019)

7-14a-5. Permitted use.

(1) ADUs shall be a permitted use in all single-family residential zoning districts, namely, R1-7, R1-8, R1-10, R1-12, R1-14, R1-30, RR-1, RR-5, and RR-20.

(2) ADUs shall be permitted uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), and Neighborhood Commercial (NC) zoning districts.

(3) ADUs shall be prohibited in the multi-family (MR) zoning districts.

(4) Internal and attached ADUs shall be conditional uses in the General Commercial (GC) and Regional Commercial (RC) zoning districts. Detached ADUs shall be prohibited in those districts.

(5) An Accessory Dwelling Unit for Caretaker shall be a conditional use in all the mixed use, commercial, and industrial zoning districts.

(6) All ADUs shall be subject to the regulations of this Chapter and Title.
(Ord. 2019-13, 08-21-2019)

7-14a-6. Types of ADUs.

An ADU may be internal, attached, or detached. See Figure 1.
(Ord. 2019-13, 08-21-2019)

7-14a-7. Number of ADUs per Lot.

No residential lot shall have more than one ADU.
(Ord. 2019-13, 08-21-2019)

7-14a-8. Planned Unit Developments.

ADUs shall not be included in the density calculations for a planned unit development (PUD).
(Ord. 2019-13, 08-21-2019)

7-14a-9. Resident Limit.

ADU occupancy shall be limited to one family, as defined in Section 7-1-5.
(Ord. 2019-13, 08-21-2019)

7-14-10. Minimum Lot Size.

Notwithstanding Section 5 herein, the minimum lot size required for ADUs is as follows:

(1) 8,500 square feet for a detached ADU;

(2) 8,500 square feet for an attached ADU;

(3) 6,000 square feet for an internal ADU.

(Ord. 2021-08, 05-05-2021) (Ord. 2019-13, 08-21-2019)

7-14a-11. Size.

(1) Internal ADUs shall be no smaller than 400 square-feet and no larger than the square footage of the foundation of the primary dwelling.

(2) Attached ADUs shall be no smaller than 400 square-feet, no larger than 800 square feet on one story, and no larger than 1,200 square feet.

(3) Detached ADUs shall be no smaller than 800 square-feet and no larger than 1,200 square feet.

(4) An ADU may have no more than two bedrooms.

(Ord. 2019-13, 08-21-2019)

7-14a-12. Height.

ADU height shall be limited by both the regulations of the base zoning district and by the height of the primary dwelling unit, and shall be the lesser height of the two.

(Ord. 2019-13, 08-21-2019)

7-14a-13. Setbacks.

Front, rear, and side setbacks for ADUs shall be as required by the regulations of the base zoning district.

(Ord. 2019-13, 08-21-2019)

7-14a-14. Separation.

A detached ADU shall be separated from the primary dwelling by a distance of at least ten feet.

(Ord. 2019-13, 08-21-2019)

7-14a-15. Lot coverage.

Lot coverage limitations applicable to ADUs shall be those established by the regulations of the base zoning district.

(Ord. 2019-13, 08-21-2019)

7-14a-16. Utilities - Water and Sewer Laterals.

(1) ADUs are required to connect to the City water and sewer main lines for culinary water and sanitary sewer service.

(2) ADUs are required to share utility meters, accounts, and water and sewer laterals with the primary dwelling.

(Ord. 2019-13, 08-21-2019)

7-14a-17. Addressing.

An ADU shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the ADU address.

(Ord. 2019-13, 08-21-2019)

7-14a-18. Mailbox.

An ADU is allowed, but not required, to have a separate mailbox from the primary dwelling.

(Ord. 2019-13, 08-21-2019)

7-14a-19. Subdivision.

(1) An ADU may not be sold or divided from the primary dwelling through deed, condominium, subdivision, plat, boundary line agreement, or otherwise.

(2) If a lot on which an ADU sits is subdivided, the ADU must remain on the lot containing the primary dwelling with which the ADU was associated upon its construction.

(3) An ADU shall not be considered or become the primary dwelling on any lot.

(Ord. 2019-13, 08-21-2019)

7-14a-20. Design.

An ADU shall have the same or substantially similar architectural features, materials, and colors as the primary dwelling.

(Ord. 2019-13, 08-21-2019)

7-14a-21. Site plan.

An ADU building permit application shall include a scaled site plan. The site plan must indicate the locations and dimensions of property lines and existing and proposed buildings, building entrances, building additions, setbacks, parking spaces, driveways, utility meters, and utility laterals and conduits. The site plan need not be engineered.

(Ord. 2019-13, 08-21-2019)

7-14a-22. Parking.

(1) An attached ADU and a detached ADU shall each provide one additional on-site parking stall per ADU bedroom.

(2) An internal ADU shall provide one additional on-site parking stall per ADU.

(3) No ADU parking spaces may be located within the front or side yard setbacks adjacent to a street except for within an approved driveway. See Figure 1.

(Ord. 2021-08, 05-05-2021) (Ord. 2019-13, 08-21-2019)

7-14a-23. Entrances.

Entrances to internal and attached ADUs shall be to the side or rear of the primary dwelling or ADU. See Figure 1.

(Ord. 2019-13, 08-21-2019)

7-14a-24. Site Location.

Detached ADUs shall be located to the rear of the primary dwelling, except that on a corner lot a detached ADU may be located to the side of the primary dwelling but flush with or set back from the primary dwelling side facade facing the street. See Figure 1.

(Ord. 2019-13, 08-21-2019)

7-14a-25. Impact Fee Reductions.

(1) Notwithstanding the provisions of Chapter 4-15, attached and detached ADUs shall pay the following impact fees:

(a) Culinary water: 50% of the single-family culinary water impact fee for interior water use only, and no impact fee for exterior water use.

(b) Sanitary sewer: 50% of the single-family sanitary sewer impact fee.

(c) Public safety: 50% of the single-family public safety impact fee.

(d) Parks and recreation: 50% of the single-family parks and recreation impact fee.

(2) Notwithstanding the provisions of Chapter 4-

15, internal ADUs shall not be required to pay impact fees.
(Ord. 2019-13, 08-21-2019)

7-14a-26. Water Rights.

Notwithstanding the provisions of Chapter 7-26, an ADU shall not be required to convey water rights to the City.
(Ord. 2019-13, 08-21-2019)

7-14a-27. Fee Exemptions.

An ADU shall not be required to pay the street light utility fee or the storm water utility fee.
(Ord. 2019-13, 08-21-2019)

7-14a-28. Building Permits - Building Codes - Foundations.

(1) The installation and/or construction of an ADU shall require the application for and issuance of a building permit. An ADU building permit shall clearly identify that it is for an ADU.

(2) Unless otherwise required by applicable building and fire codes, an internal ADU shall not be required to construct one-hour fire rated separations between the area of the primary dwelling used by the primary dwelling occupants and the ADU portion of the primary dwelling.

(3) ADUs must comply with all uniform building codes applicable to dwellings.

(4) ADUs shall be constructed on site-built permanent foundations, which may include slabs-on-grade.

(5) All running gear, tongues, axles, wheels, and similar or related appurtenances must be removed at the time of ADU installation.
(Ord. 2019-13, 08-21-2019)

7-14a-29. Variance.

An ADU located on a legal nonconforming lot may apply to the Zoning Administrator for a variance from the setbacks of the base zoning district to match the setbacks of the primary dwelling, but must comply with applicable building and fire code setback requirements.
(Ord. 2019-13, 08-21-2019)

7-14a-30. Conversion.

Non-dwelling accessory structures may be converted into detached ADUs upon compliance with this Chapter and with applicable building and fire codes.
(Ord. 2019-13, 08-21-2019)

7-14a-31. Business License.

The owner of an ADU shall not be required to obtain a city business license to own or rent the ADU.
(Ord. 2019-13, 08-21-2019)

7-14a-32. Home Occupation.

Subject to the primary dwelling owner's written consent, an ADU may contain a home occupation, which must be conducted entirely within the ADU.
(Ord. 2019-13, 08-21-2019)

7-14a-33. Registration.

No ADU registration shall be required in addition to the building permit.
(Ord. 2019-13, 08-21-2019)

7-14a-34. Violation - Notice - Civil Penalties.

(1) A violation of any provision of this Chapter shall be a civil offence.

(2) Notice of the violation and associated civil penalties shall be delivered by first-class regular U.S. mail to both:

(A) the address of record with the County Recorder's Office; and,

(B) to the street address.

(3) A violation of this Chapter shall be punishable by a civil penalty of $100 per occurrence. Following a cure period of 30 days from the date of the notice of violation, every week the violation continues shall be considered an additional occurrence of the same violation and shall result in the imposition of an additional $100 civil penalty per week of the continuing violation.
(Ord. 2019-13, 08-21-2019)

7-14a-35. Zoning Administrator - Appeals.

(1) Interpretations and decisions applying this Chapter shall be made by the Zoning Administrator.

(2) Administrative appeals of Zoning Administrator interpretations and decision, notices of violation, and the imposition of civil penalties shall be made pursuant to Chapters 1-27 and 1-28.
(Ord. 2019-13, 08-21-2019)

Attached Unit

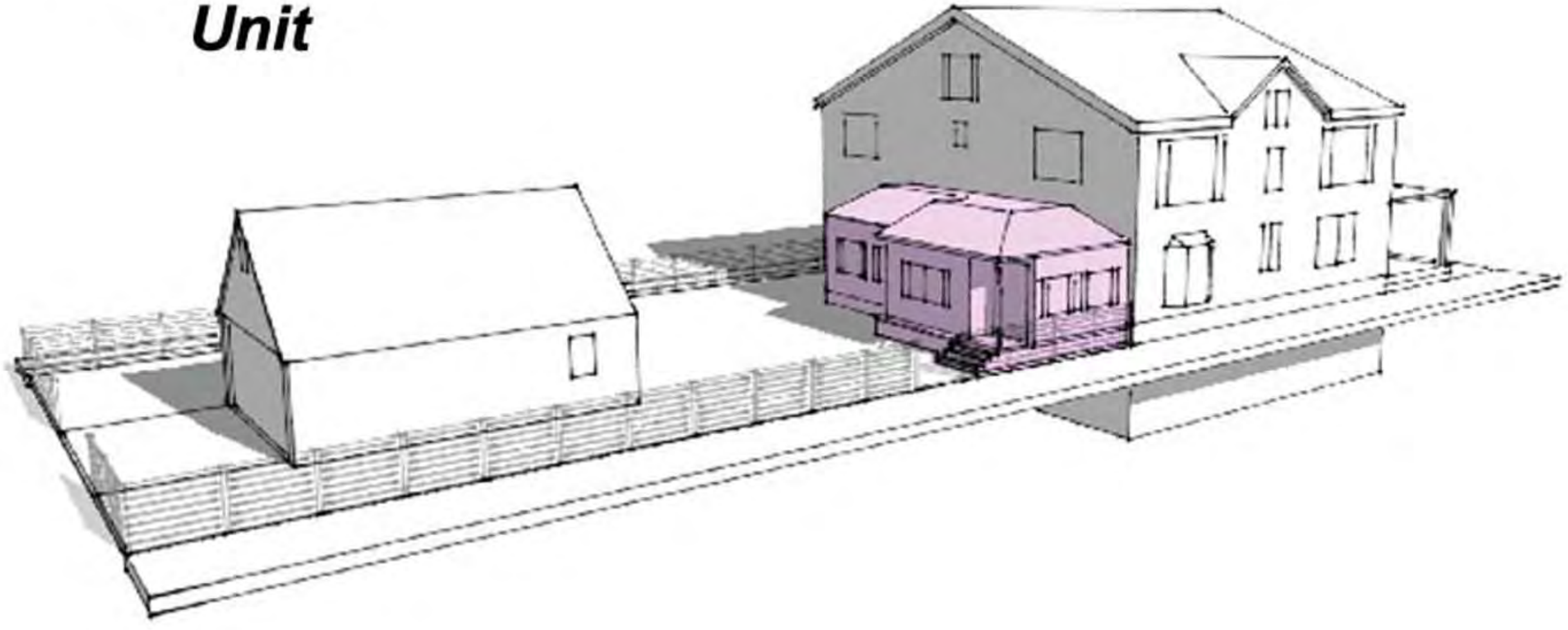
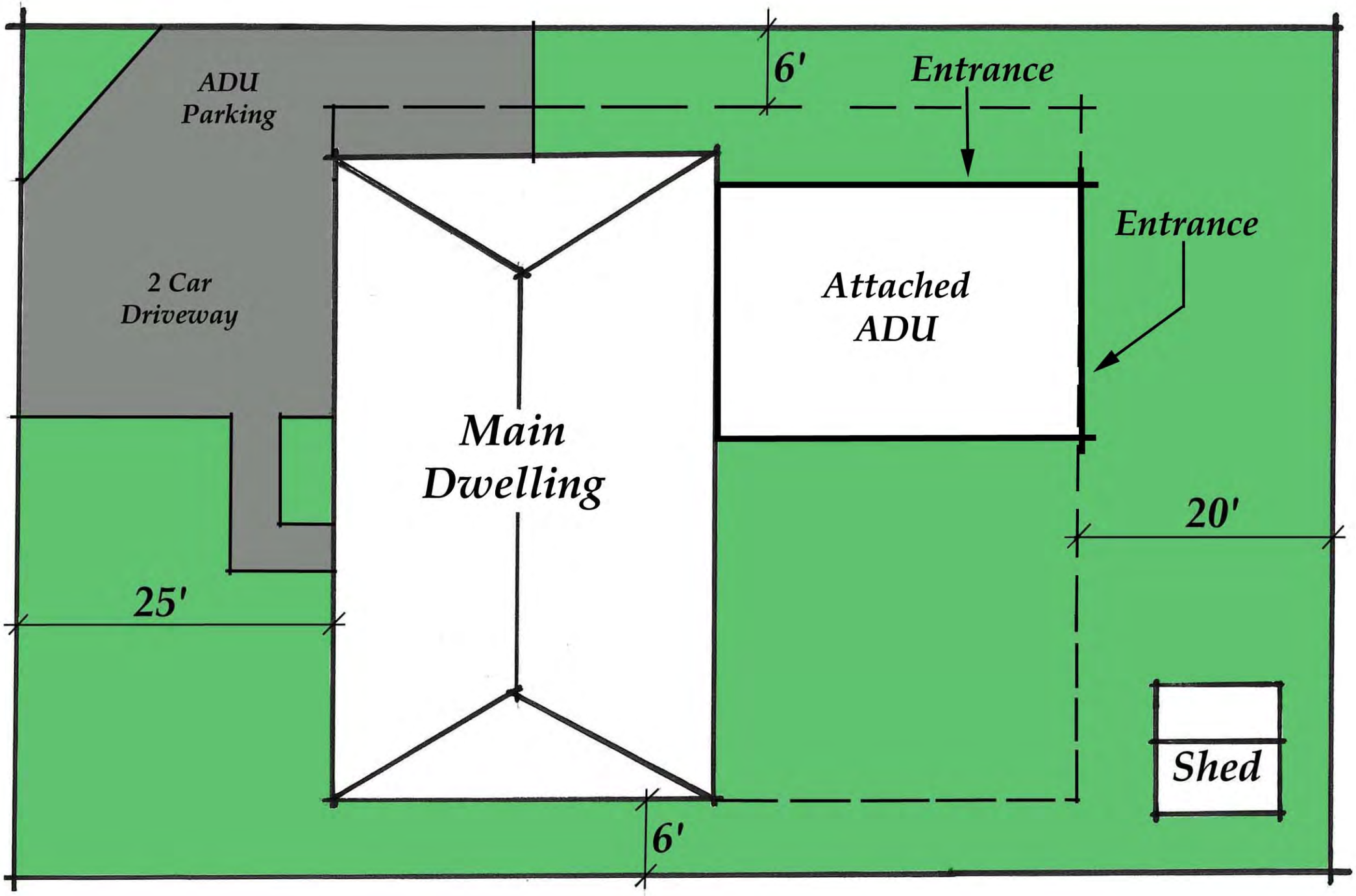


Figure 1



7-14a.F2

Figure 1

Detached Units

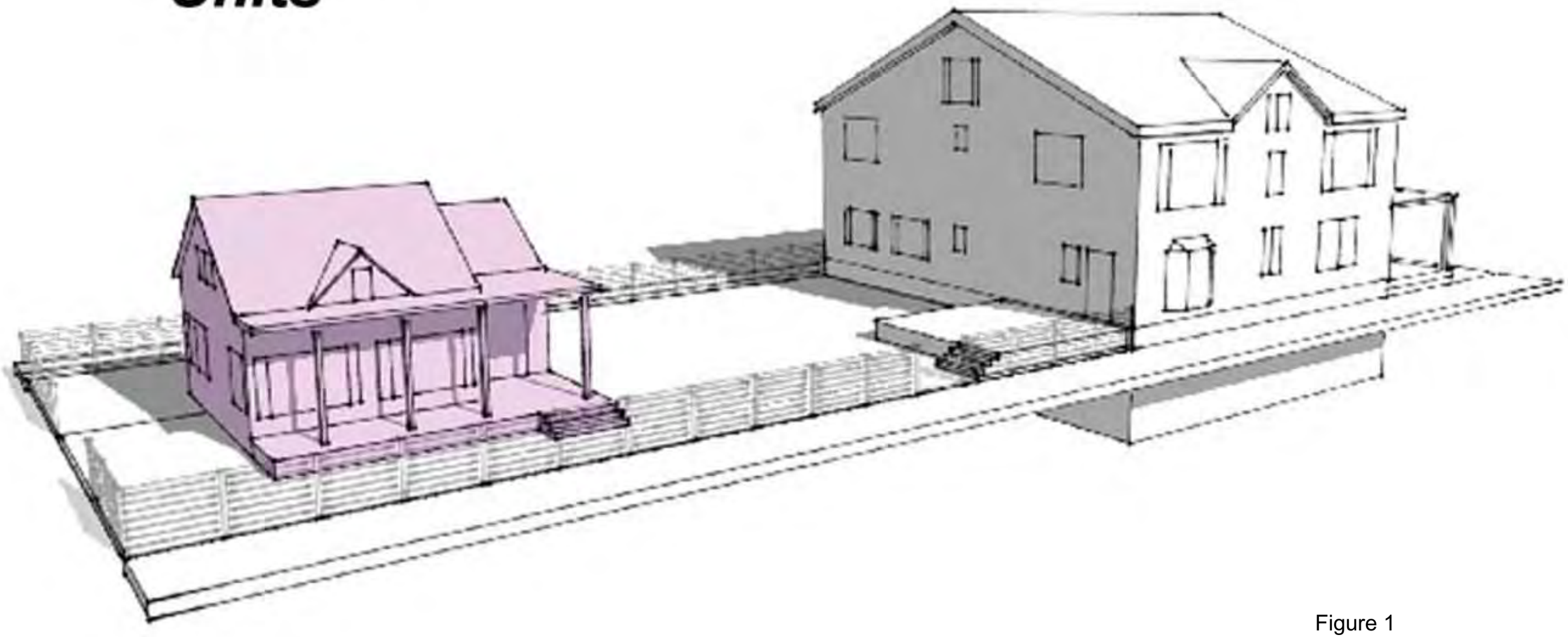
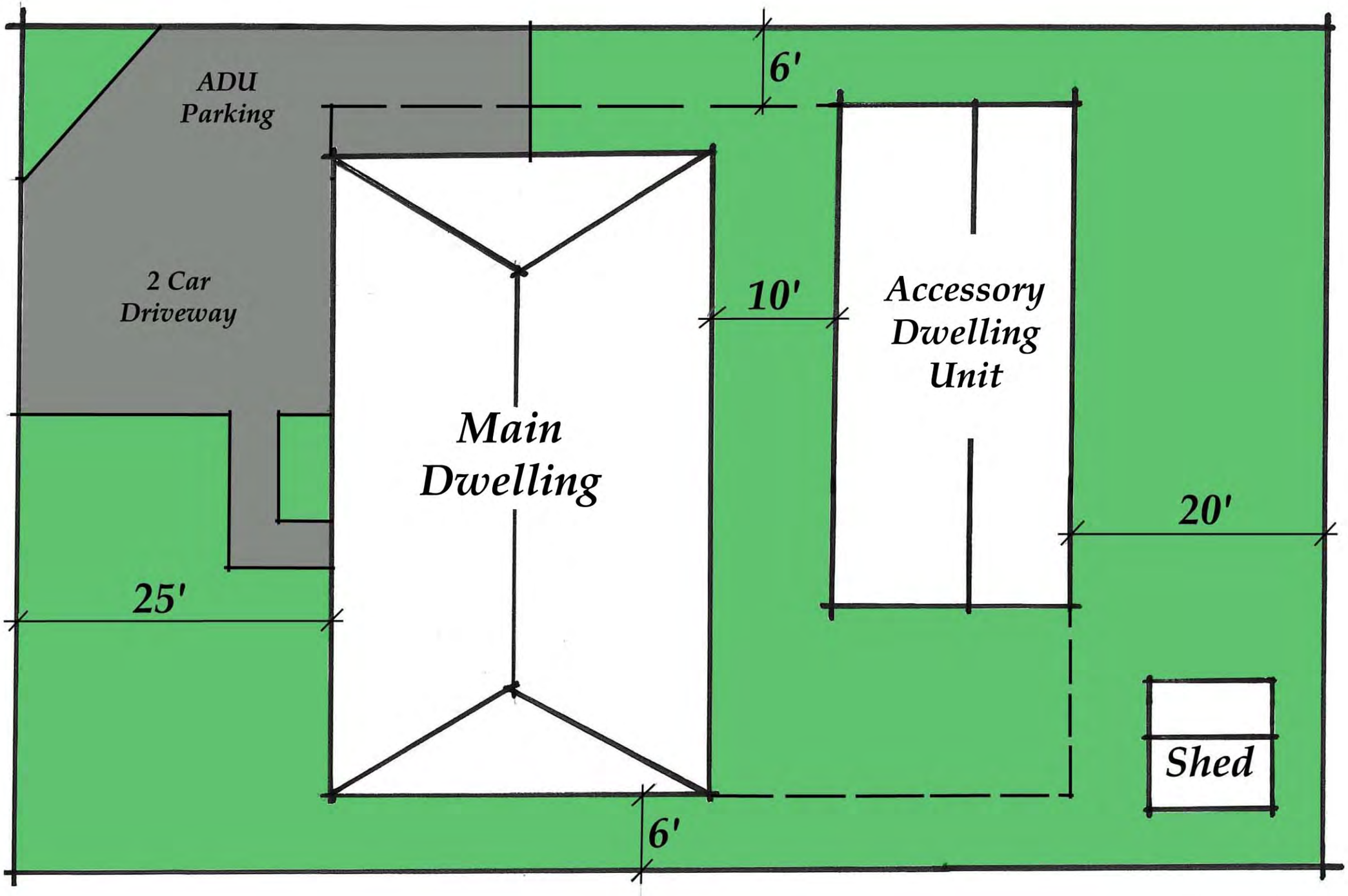


Figure 1



7-14a.F4

Figure 1

Internal

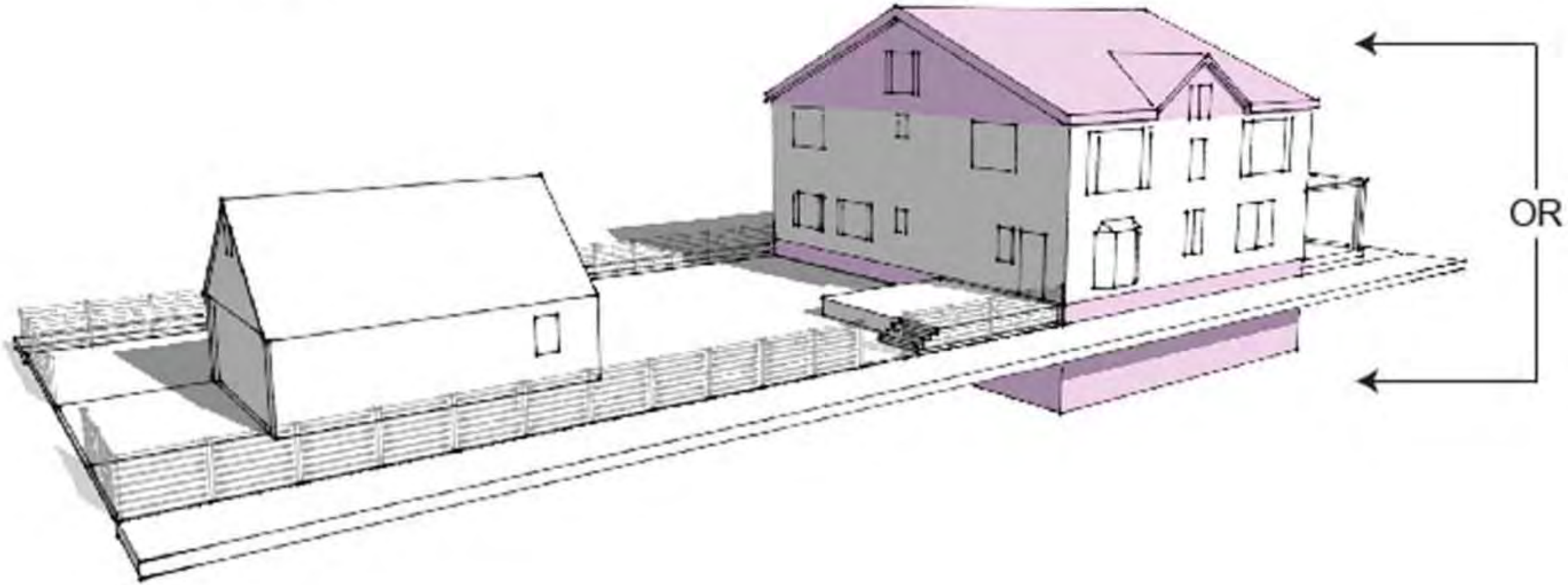


Figure 1

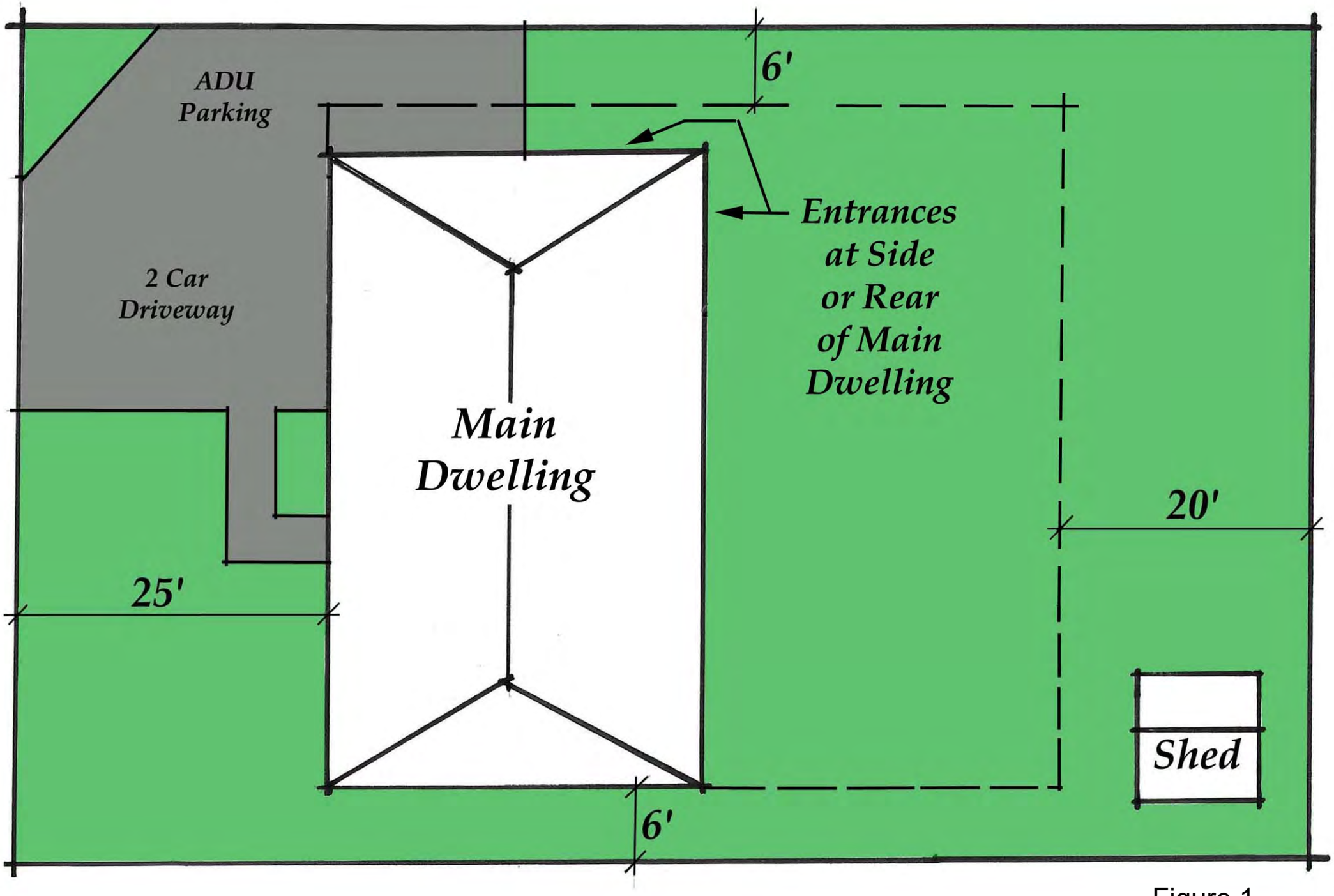

ADU
Parking
2 Car
Driveway
6'
Entrances
at Side
or Rear
of Main
Dwelling
Main
Dwelling
20'
25'
Shed
6'

Figure 1

CHAPTER 14b. RSD Residential Special Districts

7-14b-1. Residential Special Districts and Suffix.
7-14b-2. Adoption and Implementation.
7-14b-3. Residential Special Districts Eligibility and Size.
7-14b-4. Development Standards.
7-14b-5. Standard of Review.
7-14b-6. Processes and Procedures.
7-14b-7. Exemptions.

7-14b-1. Residential Special Districts and Suffix.

The establishment of a Residential Special District (RSD) shall be the establishment of a new zoning district applicable specifically to the geographic area identified within the RSD. Each approved RSD shall act independently from other approved RSDs. Each RSD shall be titled appropriate to the development planned within the RSD and include the suffix "-RSD" (i.e. Name-RSD) to identify the zoning of the subject properties as an RSD. Each RSD shall be established as its own chapter in this Title, in sequence following this Chapter, the chapter titled according to the name of the RSD, and identified on the official Zoning Map according to the approved name of the RSD.
(Ord. 2021-27, 07-21-2021)

7-14b-2. Adoption and Implementation.

The approval and adoption of an application for an RSD shall require both an amendment to the text of this Title, to establish the RSD and its terms, and an amendment to the official Zoning Map. The approval and adoption of an RSD, shall be done through a single combined process including all documentation and noticing procedures required for the standard review and consideration procedures for a City Code text amendment and Zoning Map Amendment when considered independently. Following the approval and adoption of an RSD, the terms adopted within the RSD shall act as the development standards for properties assigned the RSD designation.
(Ord. 2021-27, 07-21-2021)

7-14b-3. Residential Special Districts Eligibility and Size.

(1) Land Use. Properties identified within an application for a Residential Special District shall first be identified on the Land Use Map of the General Plan and assigned to a residential land use designation. Mixed-use and special use land uses shall not be considered a residential land use for the purpose of considering eligibility for an RSD.

(2) Size. The minimum size for any application for a Residential Special District shall be 20 acres. All acreage identified for inclusion in an RSD shall be contiguous and developable. Land identified as having any of the following conditions may be included within an RSD but shall not be included in the calculation of minimum acreage for RSD eligibility:

(a) slopes prohibiting development;

(b) environmentally sensitive conditions, such as but not limited to drainage channels, lakes, or ponds;

(c) preservation designations, such as conservation easements;

(d) publicly owned lands; or,

(e) properties previously approved for development under a land use application or building permit.

(3) Eligibility. Any application for a Residential Special District that does not fully comply with the requirements of this section shall be considered ineligible for consideration as an RSD and denied.
(Ord. 2021-27, 07-21-2021)

7-14b-4. Development Standards.

Each application for an RSD shall establish a complete set of development standards for implementation on properties assigned the RSD zoning designation. Development standards for an RSD shall only be applicable towards standards addressed in Title 7. Such standards may refer to generally applicable standards established elsewhere in this Title. Each application for an RSD shall address and establish provisions for at least the following:

(1) The name proposed for the RSD;

(2) The geographic boundaries of the RSD;

(3) The purpose and intent of the RSD including a written description of the RSD proposal with the expected outcome and benefit the RSD will provide to the community;

(4) Identification of all permitted, conditional, and not permitted uses and use types, as defined within this Title;

(5) Development standards for all identified allowable uses, which may be the same or differ by area or use type, including at least:

(a) Maximum density allowances for:

(i) the overall RSD; and

(ii) each different use type and area within the RSD;

(b) Minimum and/or Maximum Lot Sizes;

(c) Minimum and/or Maximum Unit Sizes;

(d) Minimum Lot Frontage;

(e) Minimum Lot Width, Interior & Corner Lots;

(f) Minimum Front Setbacks;

(g) Minimum Side Setbacks, Interior & Corner Street Side;

(h) Minimum Rear Setbacks;

(i) Minimum and Maximum Building Heights;

(j) Maximum Lot Coverage;

(k) Landscaping;

(l) Fencing;

(m) Parks, Recreational Features & Open Spaces;

(n) Lighting; and,

(o) Parking;

(6) Architectural Unit Design Standards, which may be identified to simply comply with existing City Code requirements or proposed as different standards and features identified within the RSD;

(7) Amenities and features including but not limited to:

(a) Private amenities within the proposed RSD for the benefit of the RSD residents;

(b) Public amenities within the proposed RSD for the benefit of the entire community;

(c) Relationship and connections to existing & proposed public amenities (parks, trails, open spaces, etc.); and,

(d) Environmentally sensitive features and preservation areas;

(8) Methods by which the RSD will integrate with or separate from neighboring uses and developments;

(9) Transportation elements including:

(a) Identification of public and private roadways within the RSD area (location, layout, classifications of roadways);

(b) Roadway design standards (cross sections) for each identified classification of private roadway; and

(c) Pedestrian paths, accesses, and connections with design (layout, cross sections, purpose, etc.);

(10) Signage, including development signage and signage for individual or groups of uses within the proposed RSD;

(11) Codes, Covenants & Restrictions (CC&Rs), as applicable, including:

(a) Provisions establishing and governing a Homeowners Association (HOA); and

(b) Maintenance of amenities and facilities by the HOA;

(12) Storm water facilities and maintenance, including:

(a) Detention and retention areas, including conceptual design layout, features of basins, etc.; and

(b) Drainage channels;

(13) Graphic illustrations, as needed;

(14) Conceptual and layout mapping for the proposed RSD including:

(a) Properties included;

(b) Description of boundaries (not necessarily legal description);

(c) Identified existing natural and developed features;

(d) Conceptual development plans;

(e) Data tables including at least:

(i) Total project acreage;

(ii) Acreage of each use type, area, etc.;

(iii) Proposed number of units of each use type, area, etc.;

(iv) Public and private streets;

(v) Public dedications;

(vi) Private properties, uses, and features; and

(vii) Identification of unbuildable or preservation areas; and,

(15) The manner in which all other aspects of development within the boundaries of the RSD not otherwise addressed by the RSD will be handled (i.e. all other aspects of development not otherwise addressed by the RSD shall default to the base tenets of Title 7 of the Tooele City Code).

(Ord. 2021-27, 07-21-2021)

7-14b-5. Standard of Review.

(1) Standard of Review. The Planning Commission and City Council shall be under no obligation to approve an application for a Residential Special District. The Planning Commission and City Council shall be under no obligation to approve any single feature, element, or provision proposed within an application for an RSD. Every application for an RSD shall be considered independently of all other RSD applications according to its own merits, benefit to the City, and its compliance with the terms of this Chapter. The consideration, approval, or denial of an application for an RSD shall not be based on the process, decision, features, or aspects of any other application for an RSD. Each respective RSD shall be non-binding upon any other RSD both during the application and review process and through development and land use.

(2) Findings Required. The approval or denial of an application for a Residential Special District shall be based on at least the following findings:

(a) the proposed Residential Special District will result in the development of properties in a manner

that is not reasonably feasible under the terms of zoning districts identified in Table 1 of Chapter 7-14;

(b) the proposed Residential Special District will result in the development of properties in a manner that will provide a substantial benefit to the City; and,

(c) the proposed Residential Special District will result in the development of properties in a manner that provides uses, configuration, and/or product types that are unique to the community or address a documented deficiency in the housing market.
(Ord. 2021-27, 07-21-2021)

7-14b-6. Processes and Procedures.

The approval and adoption of an RSD shall not alter or change the approval processes to be employed for land use applications within the RSD. Proposals for establishment of an RSD shall not contain alterations to any approval processes or procedures identified in the Utah State Code or Tooele City Code. An RSD shall not change or affect any aspect of permitting for construction of structures and uses within the RSD.
(Ord. 2021-27, 07-21-2021)

7-14b-7. Requirements and Exemptions.

The approval and adoption of an RSD shall not alter or change any requirement for approval identified for same land use application outside of the RSD. Proposals for establishment of an RSD shall not contain alterations to or exemptions from any requirement for processing, review, approval, or permitting identified in the Utah State Code or Tooele City Code.
(Ord. 2021-27, 07-21-2021)

CHAPTER 15. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

7-15-1. Applicability.
7-15-2. Scope.
7-15-3. Permitted Uses.
7-15-4. Reasonable Accommodation.
7-15-5. Accommodation Review.
7-15-6. State Certification or Licensure.
7-15-7. Revocation of Occupancy Permit.
7-15-8. Violations.
7-15-9. Appeals.

7-15-1. Applicability.

The City intends this Chapter to be interpreted and applied in a manner that is consistent with the Utah Fair Housing Act (UCA Chapter 57-21), the Federal Fair Housing Amendments Act of 1988 (42 USC Section 3601 et seq.), Title II of the Americans With Disabilities Act, and the Rehabilitation Act.
(2022-40, 12-21-2022) (Ord. 2012-17, 09-05-2012)

7-15-2. Scope.

If any dwelling meets the definition of a residential facility for disabled persons as defined in Section 7-1-5 of this Title, the requirements of this Chapter shall govern, notwithstanding any conflicting provision of this Title or this Code. Except as provided herein, the requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, this Code, or other laws.
(2022-40, 12-21-2022) (Ord. 2012-17, 09-05-2012)

7-15-3. Permitted Uses.

(1) Notwithstanding any contrary provision of this Title, a residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed either as a permitted or conditional use, subject to the same development regulations as applied to dwellings.

(2) A residential facility for persons with a disability may not be allowed by variance, prior accommodation, legal nonconforming building, or legal nonconforming use.

(3) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.

(4) Each facility located in a multi-family zoning district (MR-20, MR-16, MR-12, and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.

(5) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.

(6) No more than four persons may be housed in a single bedroom.

(7) A minimum of 60 square-feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square-feet per resident shall be provided in a single-occupant bedroom.

(8) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.

(9) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
(Ord. 2022-40, 12-21-2022) (Ord. 2022-22, 07-06-2022) (Ord. 2019-12, 05-15-2019) (Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

7-15-4. Reasonable Accommodation.

(1) None of the requirements of this Chapter shall be interpreted to limit any reasonable accommodation to afford a disabled person an equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, Title II of the Americans With Disabilities Act, the Utah Fair Housing Act, the Rehabilitation Act, and any other Federal or State law requiring a reasonable accommodation for a disabled person.

(2) Any person or entity wanting a reasonable accommodation shall submit a written application to the Director of the Community Development Department, which shall include at least the following:

a. The address of the property to which the accommodation will be applied;

b. The accommodation requested, including the regulations, policies, or procedures from which an accommodation is sought;

c. An explanation of why the accommodation is reasonable and necessary to afford a disabled person an equal opportunity to use and enjoy a dwelling; and,

d. All information necessary and sufficient for the findings required in subsection (4) of this Section.

(3) The Director shall evaluate all reasonable accommodation requests based on the criteria required of an applicant by subsection (4) of this Section.

(4) Within 30 days after receipt of a complete application, the Director shall issue a written decision

on the requested reasonable accommodation. The Director may either grant, grant with modifications, or deny a request for reasonable accommodation under the following factors:

a. Whether the dwelling, which is the subject of the request for reasonable accommodation, will be used by a disabled person;

b. Whether the requested accommodation is necessary to afford disabled persons equal opportunity to use and enjoy a dwelling when compared to similarly situated persons or groups without a disability;

c. Whether the requested accommodation would impose an undue financial or administrative burden on the City;

d. Whether the requested accommodation would require a fundamental alteration in the nature of the City's planned land use, zoning, or building programs;

e. Whether the requested accommodation is reasonable under the circumstances;

f. Whether the request for accommodation would cause a dwelling to be made available to an individual whose tenancy is anticipated to cause a direct threat to the health or safety of other individuals or whose tenancy is anticipated to cause substantial physical damage to the property of others; and,

g. Any other relevant considerations under Federal, State, or Tooele City laws.

(5) If the Director denies a reasonable accommodation request, or grants the request with modifications, the decision may be appealed by the accommodation applicant to the Administrative Hearing Officer in the manner provided for appeals of administrative decisions in Chapter 1-28 of this Code. The review of all such appeals, including any appeals from the Administrative Hearing Officer to the District Court, shall be based upon the record presented to the Director, and shall not be de novo.

(6) A reasonable accommodation shall not be deemed a variance and shall not run with the land.

(7) If the Director does not render a written decision on the request for reasonable accommodation within the 30-day time period allotted by this Section, the request shall be deemed denied based upon the insufficiency of the applicant's information to satisfy the criteria of this Section.

(8) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(9) It is the applicant's burden to demonstrate that the accommodation is necessary and reasonable under the standards and definitions set forth in Federal and State law, including Federal and State case law.

(Ord. 2022-40, 12-21-2022) (Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

7-15-5. Accommodation Review.

(1) The purpose of the Director's review is to assure that all reasonable accommodation requests comply with this Title, and that all decisions on reasonable accommodation requests are reviewed and handled in compliance with this Title, the Fair Housing Amendments Act of 1988, Title II of the Americans With Disabilities Act, the Utah Fair Housing Act, the Rehabilitation Act, and any other Federal, State, and Tooele City laws requiring a reasonable accommodation for a disabled person.

(2) The Director may consult with and obtain the services of Tooele City personnel and outside professionals or technical experts to help evaluate any and all requests for accommodation.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

7-15-6. State Certification or Licensure.

(1) Prior to the City issuing a certificate of occupancy for a facility, and prior to actual occupancy of a facility, the person or entity licensed or certified by the State of Utah to establish and operate the facility shall:

(a) provide a copy of the required State of Utah licenses and/or certificates for the facility and for any State-regulated programs provided at the facility; and,

(b) certify by affidavit to the City that no person will reside or remain in the facility whose tenancy likely would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.

(2) For purposes of this Chapter, State of Utah licenses and certificates for facilities and programs are applicant-specific, facility-specific, and program-specific, and shall not be transferrable to any other owner, operator, facility, or program.

(2022-40, 12-21-2022) (Ord. 2012-17, 09-05-2012)

7-15-7. Revocation of Occupancy Permit.

The City may revoke the occupancy permit of any facility upon the occurrence of any of the following:

(1) the facility is devoted primarily to a use other than a residential facility for persons with a

disability;

(2) any license or certificate required and issued by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);

(3) the facility fails to comply with all of the requirements of this Chapter; or,

(4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.

(2022-40, 12-21-2022) (Ord. 2012-17, 09-05-2012)

7-15-8. Violations.

(1) The following shall constitute a violation of this Chapter:

(a) continued occupation of a facility upon the revocation of the occupancy permit;

(b) continued occupation of a facility upon the termination of the State of Utah license or certificate for the facility;

(c) continued providing of a program upon the termination of the State of Utah license or certificate for that program;

(d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;

(e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,

(f) allowing the facility to be devoted to a use other than a residential facility for persons with a disability.

(2) Civil. Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as follows:

(a) first violation: $100 fine;

(b) second violation: $500 fine;

(c) third and subsequent violations: $1,000 fine.

(3) Criminal. In addition to the civil penalties provided in this Section, a violation of this Chapter may be charged and prosecuted as a class C misdemeanor.

(Ord. 2024-23, 08-21-2024)

7-15-9. Appeals.

(1) The administrative hearing officer shall hear and decide appeals from civil citations issued for violations of this Chapter.

(2) A person desiring to appeal a civil citation shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder, who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals are identified in Tooele City Code Chapter 1-28.

(Ord. 2024-23, 08-21-2024) (2022-40, 12-21-2022) (Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

CHAPTER 15a. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

7-15a-1. Applicability.
7-15a-2. Purpose.
7-15a-3. Permitted or Conditional Use; Requirements.
7-15a-4. Revocation of Permit.
7-15a-5. Violations.
7-15a-6. Civil Citation Appeals.
7-15a-7. Reasonable Accommodations.
7-15a-8. Reasonable Accommodation Appeals.

7-15a-1. Applicability.

Any structure or dwelling encompassed within the definition of "Residential Facility for Elderly Persons" shall comply with the requirements of this Chapter notwithstanding other provisions of this Code to the contrary.
(Ord. 2012-17, 09-05-2012)

7-15a-2. Purpose.

The purposes of this Chapter include:

(1) to comply with the Federal Fair Housing Act (42 U.S.C. §3601 et seq.);

(2) to comply with the Utah Fair Housing Act (U.C.A. Chapter 57-12);

(3) to comply with U.C.A. §§10-9a-516 through -519 (Residential facilities for elderly persons, etc.);

(4) to permit housing for elderly persons in a non-discriminatory manner; and,

(5) to allow for reasonable accommodations to afford elderly persons equal housing opportunities.
(Ord. 2012-17, 09-05-2012)

7-15a-3. Permitted or Conditional Use; Requirements.

(1) A residential facility for elderly persons (for purposes of this Chapter, a "facility") housing eight or fewer residents shall be a permitted use in any residential zoning district in which a single-family dwelling is a permitted primary use.

(2) A facility housing more than eight residents shall be a conditional use in any residential zoning district.

(3) Each facility shall comply with the following requirements.

(a) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.

(b) The facility shall comply with all of the provisions of this Title applicable to single-family dwellings, unless otherwise specified in this Chapter.

(c) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.

(d) Each facility located in a multi-family zoning district (MR-20, MR-16, MR-12, and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.

(e) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.

(f) No more than four persons may be housed in a single bedroom.

(g) A minimum of 60 square-feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square-feet per resident shall be provided in a single-occupant bedroom.

(h) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.

(i) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.

(j) No facility with more than eight occupants may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.

(k) Placement in a facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
(Ord. 2022-22, 07-06-2022) (Ord. 2019-12, 05-15-2019) (Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

7-15a-4. Revocation of Permit.

The City may revoke the Conditional Use Permit and occupancy permit of any facility upon the occurrence of any of the following:

(1) the facility is devoted to a use other than a residential facility for elderly persons;

(2) any license or certificate required by the State of Utah for the facility or a program provided at the facility terminates for any reason (including expiration, revocation, suspension for five years or more, denial of renewal);

(3) the facility fails to comply with all of the requirements of this Chapter; or,

(4) the facility allows a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others.
(Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

7-15a-5. Violations.

(1) The following shall constitute a violation of this Chapter:

(a) continued occupation of a facility upon the

revocation of the conditional use permit or occupancy permit;

(b) continued occupation of a facility upon the termination of a required State of Utah license or certificate for the facility;

(c) continued providing of a program upon the termination of a required State of Utah license or certificate for that program;

(d) noncompliance with any provision of Title 4 or Title 7 of this Code applicable to the facility;

(e) allowing a person to reside or remain in the facility whose tenancy constitutes or has constituted a direct threat to the health or safety of others or has resulted in substantial physical damage to the property of others; and,

(f) allowing the facility to be devoted to a use other than a residential facility for elderly persons.

(2) Civil. Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as follows:

(a) first violation: $100 fine;

(b) second violation: $500 fine;

(c) third and subsequent violations: $1,000 fine.

(3) Criminal. In addition to the civil penalties provided in this Section, a violation of this Chapter may be charged and prosecuted as a class C misdemeanor.
(Ord. 2024-23, 08-21-2024)

7-15a-6. Civil Citation Appeals.

(1) The administrative hearing officer shall hear and decide appeals from civil citations issued for violations of this Chapter.

(2) A person desiring to appeal a civil citation shall file the appropriate application, obtained from the Tooele City Community Development Department, with the Department Director. Any applicable fee shall be paid to the Tooele City Finance Department at the time of filing. The Director shall review the application for completeness and fee payment and forward it to the City Recorder, who shall set a hearing with the administrative hearing officer. The City Recorder shall notify the applicant of the date and time of the hearing.

(3) The powers and duties of the administrative hearing officer and the standards of review to be followed in deciding appeals are identified in Tooele City Code Chapter 1-28.
(Ord. 2024-23, 08-21-2024) (Ord. 2012-17, 09-05-2012)

7-15a-7. Reasonable Accommodations.

None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a facility. Any person or entity who wishes to request a reasonable accommodation shall make application to the Director of the Community Development Department and shall articulate in writing the basis for the requested accommodation. Each application for a reasonable accommodation shall be decided by the Director within 30 days. Failure of the Director to issue a decision within 30 days shall be deemed a denial of the application.
(Ord. 2024-23, 08-21-2024) (Ord. 2012-17, 09-05-2012)

7-15a-8. Reasonable Accommodation Appeals.

(1) The denial of a request for reasonable accommodation may be appealed to the Zoning Administrator by filing with the Community Development Department a written appeal within ten days of the date of denial. The Zoning Administrator shall issue a written decision with 15 days of the date of the appeal. Failure of the Zoning Administrator to issue a written decision within the 15 days shall be considered a denial of the appeal.

(2) The decision of the Zoning Administrator may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of denial. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Zoning Administrator of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.

(3) The revocation of an occupancy permit pursuant to this Chapter may be appealed to the Administrative Hearing Officer by filing with the Community Development Department a written appeal within ten days of the date of the revocation notice. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Director of the Community Development Department of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.
(Ord. 2024-23, 08-21-2024) (Ord. 2019-08, 03-20-2019) (Ord. 2012-17, 09-05-2012)

CHAPTER 16. ZONING DISTRICT PURPOSE AND INTENT. MIXED USE, COMMERCIAL, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS

7-16-1. Mixed Use, Commercial, Industrial and Special Purpose Zoning Districts.
7-16-2. Purposes and Intent.
7-16-2.1.Gateway Overlay Districts-Location.
7-16-3. Table1: Table of Uses
7-16-4. Table 2: Development Standards
7-16-5. Off-Street Parking Standards
7-16-6. Use Definitions (Repealed)

7-16-1. Mixed Use, Commercial, Industrial and Special Purpose Zoning Districts.

(1) The Mixed Use, Commercial, Industrial and Special Purpose Zoning Districts of Tooele City are established and provided to implement the Tooele City General Plan. These Districts are:

(a) Mixed Use - General District (MU-G)
(b) Mixed Use - Broadway District (MU-B)
(c) Neighborhood Commercial District (NC)
(d) General Commercial District (GC)
(e) Regional Commercial District (RC)
(f) Light Industrial District (LI)
(g) Industrial Service District (IS)
(h) Industrial District (I)
(i) Research and Development District (RD)

(2) Also provided are the following Special Purpose Overlay Districts, formulated to establish special design, use requirements and general site planning provisions for specific areas of the City. These Districts are:

(a) Downtown Overlay District (DO)
(b) Gateway Overlay District (GO)
(c) Commercial Special District (CSD)

(3) The Commercial Districts of Tooele City are intended to reflect the diversity of the City's commercial areas and to provide a wide range of commercial services for Tooele City and surrounding areas. Each Zoning District is distinguished by the uses and intensity of development allowed. The Mixed Use District (MU) and Neighborhood Commercial District (NC) encourage a mix of residential and commercial uses that are supportive of adjoining residential areas. The Industrial Districts of Tooele City are provided to encourage economic diversity and vitality for the City and provide a range of employment opportunities for City residents, and residents of surrounding areas.

(Ord. 2021-27, 07-21-2021) (Ord. 2020-42, 10-07-2020) (Ord. 1998-40, 12-16-1998)

7-16-2. Purposes and Intent.

The purposes and intent of the Tooele City Mixed Use, Commercial, Industrial and Special Purpose Districts are:

(1) Mixed Use (MU-B and MU-G)Districts. The purpose of the Mixed Use Districts is to provide and area for an appropriate mix of compatible residential, limited commercial and compatible business and professional offices. A goal of this district is to preserve existing residential buildings and structures while allowing some opportunities for their use for limited commercial and business activity. This district also encourages the establishment of residential and limited nonresidential uses within the same structure or located on the same lot.

(2) Neighborhood Commercial (NC) Dstrict. The Neighborhood Commercial District (NC) is designed and intended for small areas for limited commercial uses providing goods and services to residents in the surrounding neighborhood area. The District encourages the provision of small-scale retail and service uses for nearby residents. Uses are restricted in type and size to promote a local orientation and to limit possible adverse impacts on nearby residential areas. The Neighborhood Commercial District is to be located in areas of the City so as to facilitate pedestrian access and to encourage the continued viability of the uses allowed in the District. The location and design of all buildings and accessory activities and uses should respect the neighborhood and residential activities that adjoin this District and all activities should be conducted in a manner that adds to neighborhood amenity and the residential setting.

(3) General Commercial (GC) District. The General Commercial (GC) District is intended and provided to encourage the establishment of a wide variety of retail commercial uses, service commercial activities, entertainment and other services and activities meeting the needs of the residents of the City. The General Commercial District (GC) allows and encourages that retail and service businesses and related uses be grouped together into commercial centers. The uses and activities allowed in this District should enhance employment opportunities, provide for commercial activities and services required by residents of the city and surrounding areas, encourage the efficient use of land, enhance property values and add to the overall strength of the city's tax base.

(4) Regional Commercial District (RC). The Regional Commercial District is established to provide for large scale commercial and other uses that have a regional influence and that may be areas of high traffic generation, because of the nature of the use, the diversity of uses, or the size of the activity. The Regional Commercial (RC) District is designed to provide areas for intensive retail commercial uses, such as retail shopping centers, large retail outlets, large office buildings, entertainment uses, public uses and quasi-public uses and related activities. This District shall be located so as to be able to provide the services and infrastructure available to meet the demands of intensive commercial uses. This District will be located in proximity to major roads and transportation corridors to facilitate access by the private automobile and public transportation. This District encourages creative site planning and design for activities and uses that will provide commercial and other services to residents of the Tooele Valley and adjoining areas. All buildings and structures within this District will be attractively designed and incorporate a design theme through architectural

design elements. These areas should also provide amenities for the use of city residents and patrons including open space and trail features, mass transit terminals and other amenities.

(5) Light Industrial (LI) District. The purpose of the Light Industrial (LI) District is to provide locations for light industrial assembly and manufacturing uses that produce no appreciable negative impact to adjacent properties. This District encourages clean, light industrial (April 5, 2019) 7-58 and manufacturing uses which provide employment opportunities for city residents, strengthen the city's tax base and diversify the local economy.

(6) Industrial Service (IS) District. The purpose of the Industrial Service (IS) District is to provide locations for more intensive service type uses for the benefit of the community and regional area. Despite the more intensive nature, this District still encourages clean uses which provide employment opportunities for city residents, strengthen the city's tax base, and diversify the local economy.

(7) Industrial (I) District. The Industrial (I) District is formulated to recognize existing industrial sites and uses within the city and to allow for the establishment of additional industrial uses which add to employment opportunities and economic diversity within the city.

(8) Research and Development (RD) District. The Research and Development (RD) District is intended to combine certain elements of the General Commercial and Light Industrial zoning districts while excluding other elements. The intent of the RD zone is to allow for a professional business park within the City where businesses may locate in an environment that allows a mix of certain small commercial and light industrial uses. It is not intended for large commercial or industrial uses or for intensive retail or manufacturing activities.

(9) Downtown Overlay (DO) District. The Tooele City Downtown Overlay District (DO) is formulated to encourage and provide opportunities for various retail, service and other uses within the existing Main Street "downtown" area of the City. This area is generally characterized and recognized by two story buildings constructed to the front property line. It is the goal of the Downtown Overlay to recognize the existing development pattern of the area and allow for the strengthening of the character, vitality and amenities of the Downtown area through specific downtown site planning and building standards and requirements. The Downtown Overlay District (DO) allows and requires the establishment of uses that work to reinforce the existing Main Street through special standards for building location, parking, uses, signage and other considerations.

(10) Gateway Overlay (GO) Districts. The Gateway Overlay Districts (GO) are provided to encourage unified and consistent design elements and site planning to promote an attractive and desirable streetscape for areas that are visually prominent and located at the key entry points, or "gateways" to Tooele City. The streetscape is a combination of buildings and structures, signage, landscaping, off-street parking areas, street improvements and other elements that dominate the view of the driver or pedestrian at the identified gateway areas of the City. The design and overall attractiveness and quality of the city's gateway areas is indicative of the values and character of the City. An attractive and functional streetscape is one that promotes cohesiveness and establishes a design theme for signage, building design, landscaping and street trees and other street amenities. The Tooele City Gateway Overlay Districts (GO) require site planning and design for all buildings and structures within the District to be reviewed and approved by the Planning Commission with requirements for landscaping, signage and the location of required off-street parking areas.

(11) Commercial Special District (CSD). The purpose of the Commercial Special District (CSD) is to provide a master planned, architecturally designed non-residential development where customized zoning requirements are developed and implemented to apply to a specific geographic area in order to permit flexibility and initiative to produce a unique, cohesive development. (Ord. 2021-27, 07-21-2021) (Ord. 2020-42, 10-07-2020) (Ord. 2019-08, 03-20-2019) (Ord. 2010-16, 10-06-2010) (Ord. 2003-15, 06-04-2003) (Ord. 1998-40, 12-16-1998)

7-16-2.1. Gateway Overlay Districts–Location.

Tooele City Gateway Overlay Districts shall be the following:

(1) Northern Gateway

(a) Length: from approximately 925 North Main Street ("SR-36 North") to the northern city boundary, on either and/or both sides of SR-36 North.

(b) Depth: the greater of

(i) the depth of any lot adjoining SR-36 North, or

(ii) 300 feet perpendicular to the nearest SR-36 North right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of

(A) the depth of any lot adjoining the interior road, or

(B) 300 feet beyond the outer boundary of the interior road, perpendicular to the nearest SR-36 North right-of-way line, and measured from the point on the interior road farthest from the nearest SR-36 North right-of-way line.

(2) Western Gateway A

(a) Length: on State Road 112 ("SR-112") from the intersection of Rogers Road and SR-112 to the western city boundary, on either and/or both sides of SR-112.

(b) Depth: the greater of

(i) the depth of any lot adjoining SR-112, or

(ii) 300 feet perpendicular to the nearest SR-112 right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of

(A) the depth of any lot adjoining the interior road, or

(B) 300 feet beyond the outer of the interior road, perpendicular to the nearest SR-112 right-ofway line, and measured from the point on the interior road farthest from the nearest SR-112 right-of-way line.

(3) Western Gateway B.

(a) Length: on SR-112 from the City's western boundary to the intersection of SR-112 and 1000 North, thence east on 1000 North to the intersection of 1000 North and SR-36;

(b) Depth: the greater of

(i) the depth of any lot adjoining SR-112 or 1000 North, or

(ii) 300 feet perpendicular to the nearest SR-112 or 1000 North right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of

(A) the depth of any lot adjoining the interior road, or

(B) 300 feet beyond the outer boundary of the interior road, perpendicular to the nearest SR-112 or 1000 North right-of-way line, and measured from the point on the interior road farthest from the nearest SR-112 or 1000 North right-of-way line.

(4) Southern Gateway

(a) Length: from approximately Settlement Canyon Road (approximately 800 South) to the southern city boundary, on either and/or both sides of SR-36 ("SR36 South").

(b) Depth: the greater of

(i) the depth of any lot adjoining SR-36 South, or

(ii) 300 feet perpendicular to the nearest SR-36 South right-of-way line, and, if an interior public or private right-of-way ("interior road") crosses any portion of a lot within said 300 feet, then the greater of

(A) the depth of any lot adjoining the interior road, or

(B) 300 feet beyond the outer boundary of the interior road, perpendicular to the nearest SR-36 South right-of-way line, and measured from the point on the interior road farthest from the nearest SR-36 South right-of-way line. (Ordinance 2003-15, 06-04-2003)

7-16-3. See Table 1, Table of Uses

7-16-4. See Table 2, Development Standards

7-16-5. Off-Street Parking Standards

All parking requirements shall be as outlined in Chapter 7-4 of this Title.

(Ord. 2019-12, 05-15-2019); (Ord. 2019-08, 03-202019); (Ord 2014-08, 08-06-2014); (Ord. 2012-17, 09-05-2012); (Ord. 2011-17; 09-21-2011); (Ord. 2010-16, 10-06-2010); (Ord. 98-40, 12-16-1998)

7-16-6. Use Definitions

(Repealed. Ord. 2012-17, 09-05-2012)

TABLE 1
TABLE OF USES

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Accessory Building	P	P	P	P	P	P	P	P	P
Accessory Drive Through Facility (considered as a Conditional Use for a Use allowed in the District, see Note #3 and Table 2)	C	C		C	C	C	C		C
Accessory Dwelling Unit for Caretaker Only (must be located within primary structure. See Table 2)	C	C	C	C/P *See Note 7*		C	C	C	C
Accessory Dwelling Unit (internal and attached: located above ground floor. See Table 2)	P	P	P	C	C				
Accessory Dwelling Unit (detached: located on the same lot as primary structure. See Table 2)	P	P	P						
Accessory Outdoor Sales and Display Incidental to an Allowed Use (considered as a Conditional Use for a Use allowed in the District, see Note #4 and Table 2)				C	C	C	C	C	
Accessory Outside Storage (considered as a Conditional Use for a Use allowed in the District, see Note #2 and Table 2)				C		C	C	C	

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Accessory Outside Storage of Flammable or Hazardous Materials (considered as a Conditional Use for a Use allowed in the District, see Note #2 and Table 2)								C	
Accessory Vehicle Storage Yard (only with Automobile Sales and Rental, see Note #8)						C	C	C	
Agriculture (horticulture)						P	P	P	C
Airport							C	C	
Amusement Facility		C	C	P	P	P	P		
Auto Impound Yard							C	C	
Automobile Sales and Rental	C	C Minimum Lot size 30,000 square feet with access from arterial road only		C	C	P	P	P	
Automobile Service and Repair	C			C		P	P	P	
Automobile Service and Repair Accessory to a Principal Use					C		P		
Automobile Body and Fender Service and Repair						C	C	P	
Bed and Breakfast Inn (located in an existing structure)	C	C	C	P					
Boarding House	C	C	C						

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Building Maintenance Services						C	P	P	P
Business Office				P	P	P	P	P	P
Business Office (located within an existing structure)	C	C	C	P	P	P	P	P	P
Campground, Travel Trailer Park							C	C	
Car Wash				C		P	P	P	C
Chemical Manufacture and Storage								C	
Church	C	C	C	C					P
Conference Center				P	P	P	P		P
Contractor's Display/Office				C		P	P	P	P
Contractor's Storage Yard						C	C	P	
Convenience Store, without Gasoline Sales	P	P	P	P	P	P	P	P	P
Convenience Store, with Gasoline Sales	C	C	C	P	C	P	P	P	P
Cultural activities and uses	C	C		P	C	P	P		P
Day-Care/Pre-School (Home Occupation)	P	P							
Day Care/ Pre-School Center	C	C	C	P		C	C		C
Distribution Center						C	C	P	
Dwelling; Single Family (Detached)	P	P							
Dwelling; Two family	P	C							

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Dwelling; Multi-Family	C See Note 6	C See Note 6	See Note 6	See Note 6	See Note 6				
Extractive Industry									
Fast Food Restaurant	C	C		P	P	P	P		P
Financial Services	C	C	C	P	P	P	P		P
Food and Beverage Processing								C	
Funeral Home/Mortuary	C	C		P		P	P		P
Garden Center	C	C		P	P	P	P		
General Industrial Activity						P	P	P	P
Hardware and Garden Supply Store	C			P	P	P	P		
Hazardous Material Storage									
Hazardous Waste In-Transit Facility								C	
Health Care Facility				C	C	P	P	P	C
Health Care Provider	C	C	C	P	P	P	P		P
Health Care Provider (located within an existing structure)	C	C		P	P	P	P	P	P
Health Club	C	C		P	P	P	P	P	P
Heavy Equipment Sales and Rental						C	C	P	
Heavy Equipment Sales and Rental as an Accessory Use to an Established Retail Use				C	C				

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Heavy Industrial Manufacturing and Assembly								C	
Heliport				C	C	C	C	C	C
Home Occupation (must comply with all requirements of a Home Occupation)	P	P							
Hotel	C	C		P	P	P	P		P
Junkyard/Salvage Yard								C	
Kennel						C	C	P	
Laundromat	C	C	C	P		P	P	P	
Light Manufacturing and Assembly						P		P	
Liquor Store				C	C				C
Medical Cannabis Pharmacy			P	P	P	P	P	P	P
Medical Cannabis Production Establishment								P	
Membership Club				C		C	C	C	
Military Surplus Yard								C	
Motel	C	C		P	P	P	P		P
Nursery	C	C				P	P	P	C
Nursing Home, Convalescent Care Facility	C	C	C	P	P				
Open Space Areas, Trails	P	P	P	P	P	P	P	P	P
Park and Ride Facilities				C	C	C	P	C	C
Personal Services	C	C		P	P	P	P		P

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Pet Shop / Pet Grooming	C	C		C					
Public or Private Educational Facility	C	C		C	C	C	C	C	C
Personal Storage Facility (Mini-Storage)						C	C	P	
Private Club/Bar	C			C	C	C	C	C	C
Professional Office	C	C	C	P	P	P	P	P	P
Professional Office (located within an existing structure)	C	C	C	P	P	P	P	P	P
Public Use	C	C	C	C	C	C	C	C	C
Reception Center	C	C		P	P	P	P		P
Reception Center (located within an existing structure)	C	C		P	P	P			P
Recreational Facility (Indoor)				P		P	P	P	C
Recreational Facility (Outdoor)				C		C	C		C
Recycling Collection Site				C		C	C	P	
Recycling Processing Center								C	
Repair Shop (household and personal goods with no outside storage)	C	C		P		P	P	P	P
Research Facility				P		P	P	P	P
Residential Treatment Facilities and Programs		C							
Restaurant	C	C		P	P	P	P	P	P
Restaurant (located within an existing structure)	C	C		P	P	P	P		P

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Retail Sales Accessory to an Allowed Yse				P	P	P	P	P	P
Retail Store (located within an existing structure)	C	C	C	P	P				
Retail Store (Total maximum 3,000 square footage)	C	C	C	P		P	P		P
Retail Store or Commercial Center				P	P				
Retail Store or Commercial Center (Minimum 120,000 building square foot and planned and phased by approval of a Master Development Site Plan)				P	P				
Retirement Center	C	C							
Rock, Sand and Gravel Storage and Distribution								P	
Sexually Oriented Business								P	
Shooting Range, Indoor				C		C	C	C	C
Telecommunication s Site/Facility						C	C	C	C
Temporary Construction Office	C	C	C	P	P	P	P	P	P
Temporary Seasonal Use	C	C	P	P	P	P	P	P	
Temporary Use	C	C	C	C	C	P	P	P	
Theater (Indoor)	C	C		P	P				P
Theater (Outdoor)				C		P	P	P	
Tobacco Specialty Store (see Note #5)				C	C	C	C	C	C

USE	DISTRICT								
	MU-B Mixed Use-Broad-way	**MU-G** Mixed Use-General	**NC** Neighbor hood Commer-cial (Maxi-mum individual lot Size 15,000 square feet)	**GC** General Commer-cial	**RC** Regional Commer-cial	**LI** Light Industrial	IS Industrial Service	**I** Industrial	**RD** Research & Develop-ment
Utility Service Facility (major)				C	C	C	C	C	C
Utility Service Facility (minor)			C	C	C	C	C	C	
Vehicle Storage Yard								C	
Veterinary Clinic / Animal Hospital						P	P	P	
Veterinary Clinic/ Animal Hospital Operating Entirely Within an Enclosed Building	C	C		P		P	P	P	P
Warehouse						C	C	P	

P = PERMITTED USE
C = CONDITIONAL USE

ANY USE NOT IDENTIFIED AS EITHER A PERMITTED (P) OR CONDITIONAL (C) USE IS USE THAT IS A PROHIBITED USE WITHIN THE ZONING DISTRICT

ANY USE NOT IDENTIFIED IN THE TABLE OF USES IS A PROHIBITED USE IN TOOELE CITY.

NOTES:

1. With the exception of detached single family dwellings, all dwellings in the MU (Mixed Use) zoning district must comply with the regulations and requirements, as amended, of the MR-16 (Multi-Family Residential) zoning district, or its equivalent replacement, contained in Chapter 7-14 and 7-11a unless otherwise specified in this Chapter. (Ord. 2018-13, 08-15-2018)

2. For any Use allowed in a zoning district and proposing or requiring any area for Accessory Outside Storage, for any purpose, such use and outside storage area shall be considered as a Conditional Use. All Accessory Outside Storage is
prohibited in the Mixed Use (MU) District and the Neighborhood Commercial (NC) District.

3. For any Use allowed in a zoning district and proposing or requiring a "Accessory Drive Through Facility", such Drive Through Facility shall be considered as a Conditional Use. All Accessory Drive Through Facilities are prohibited in the Mixed Use (MU) District and the Neighborhood Commercial (NC) District.

4. For any Use allowed in a zoning district and proposing any Accessory Outside display and sales area, such Accessory Outside Display and Sales use and area, shall be considered as a Conditional Use for any Uses allowed in the District, except that it shall be a permitted use in the Downtown Overlay District. Accessory Outside Display and Storage is prohibited in the Mixed Use (MU) District, Neighborhood Commercial (NC) District, and the Research and Development (RD) District. Accessory Outdoor sales and display in the Downtown Overlay District shall be subject to the following requirements:
   A. A 6-foot-wide unobstructed pedestrian pathway shall be maintained at all times on all sidewalks.

B. All sales and display items shall be removed from the sidewalk and brought indoors into the business at the end of the business' hours of daily operation.

C. No sales or display items may extend more than 24 inches from the building facade of the selling or displaying business.

D. No sales or display items may be located within the landscaped park strip, on the curb, in the gutter, or in the vehicular travel lanes.

E. All sales and display items shall be located directly in front of the business selling or displaying the items and may not be located in front of other businesses or properties. (Ord. 2012-22, 12-05-12)

5. This use is not permitted if any part of the proposed or existing building containing the use is located within 1,500 feet from (a) any school (public or private kindergarten, elementary, middle, charter, junior high, high school), public park, public recreational facility, youth center, library, or church, (b) any other Tobacco Specialty Store, (c) any residential use or residential zoning boundary, including mixed-use zones, or (d) on Vine Street. Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from a Tobacco Specialty Store structure to the property line of a school, public park, library, church, youth center, cultural activity, residential use, zoning district boundary, or other Tobacco Specialty Store. (Ord. 2011-19, 01-18-12)

6. This use shall be a permitted use with no maximum density when proposed within and as a part of the redevelopment of an existing registered historical building. (2020-20, 05-06-2020) (Ord. 2018-13, 08-15-2018)

7. This use shall be a permitted use when property zoned GC General Commercial is located within the Downtown Overlay district. Otherwise, this use shall be a conditional use. See Table 2; Table of Development Standards, for additional information regarding this use in the GC General Commercial zoning district and the Downtown Overlay district. (Ord. 2023-29, 07-05-2023)

8. Accessory Vehicle Storage Yards shall comply with the following requirements:

   a. The vehicle storage area shall be enclosed by a 6 foot solid visual barrier fence composed of masonry, vinyl or metal.

   b. The vehicle storage area shall be paved in either concrete or asphalt.

   c. The vehicle storage area shall not occupy more than 20% of the automobile sales and rental property. (Ord. 2024-03, 02-21-2024)

(Ord. 2024-03, 02-21-2024) (Ord. 2023-29, 07-05-2023) (Ord. 2023-03, 02-01-2023) (Ord. 2022-42, 11-16-2022) (Ord. 2022-21, 07-06-2022) (Ord. 2020-46, 11-05-2020) (Ord. 2020-42, 10-07-2020) (Ord. 2019-29, 12-04-2019) (Ord. 2019-13, 08-21-2019) (Ord. 2019-08, 03-20-2019) (Ord. 2018-24, 12-05-2018) (Ord. 2018-13, 08-15-2018) (Ord 2012-22, 12-15-2012) (Ord. 2012-24, 11-21-2012) (Ord. 2012-17, 09-05-2012) (Ord. 2011-19, 01-18-2012) (Ord. 2010-16, 10-06-2010) (Ord. 2008-09, 11-05-2008) (Ord. 2006-18, 09-13-2006) (Ord. 2006-16, 07-19-2006) (Ord. 2006-10, 06-21-2006) (Ord. 2003-08, 03-19-2003) (Ord. 2003-02, 01-08-2003) (Ord. 2003-01, 01-08-2003) (Ord. 2002-21, 09-18-2002) (Ord. 1999-08, 04-06-1999) (Ord. 1999-06, 04-06-1999) (Ord. 1999-05, 04-06-1999) (Ord. 1998-40, 12-16-1998)

TABLE 2
DEVELOPMENT STANDARDS

DEVELOPMENT REQUIREMENT	**DISTRICT**									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Maximum Lot Area	No maximum	25,000 square feet	No maximum	No maximum	No maximum	No Maximum	No maximum	No maximum	No maximum	No maximum
Minimum Area for District	No minimum	No minimum	3 acres. Smaller areas may be added to an existing GC area. See Note C	60 acres. Smaller areas may be added to an existing RC area. See Note C	No minimum	No Minimum	No minimum	No minimum	No minimum	No minimum
Minimum Lot Width (Frontage)	80 Feet at Front setback line	80 Feet at Front setback line	80 Feet at Front setback line	100 Feet at Front setback line	60 Feet at Front Setback line	60 Feet at Front Setback line	80 Feet at Front setback line	60 Feet at Front setback line	No Minimum Requirement	80 Feet at Front setback line

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Minimum Front Yard Setback	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	40 Feet	30 Feet	30 Feet	30 Feet	20 Feet	10 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	30 Feet. May be reduced to 20 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code
Maximum Front Yard Setback	No requirement	No requirement	No requirement	No requirement	No requirement	No requirement	No requirement	No Requirement	20 Feet. May be increased following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code	As required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Minimum Required Front Yard Landscape Area (measured from front property line) See Note F1	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	15 Feet See Note F1	40 Feet See Note F1	15 Feet See Note F1	15 Feet See Note F1	No landscaping required for auto impound yard, military surplus yards, or vehicle storage yards. See Note H (Ord. 99-28, 11-4-99) See "Minimum Required Landscape Area", below) (Ord. 02-24, 12-04-02)	15 Feet See Note F1	10 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	20 Feet See Note F1

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Minimum Side Yard Setback	Note B when adjoining a Residential Zone. Otherwise See Note A1.	Note B when adjoining a Residential Zone. Otherwise See Note A1.	Note B when adjoining a Residential Zone. Otherwise See Note A1.	30 Feet	As Allowed by Building Code but not less than 5 feet with Note A2. Note B when adjoining a Residential Zone.	As Allowed by Building Code but not less than 5 feet with Note A2. Note B when adjoining a Residential Zone.	As Allowed by Building Code but not less than 15 feet.	As Allowed by Building Code but not less than 5 feet with Note A2. Note B when adjoining a Residential Zone.	Per Underlying Zoning District.	Per Underlying Zoning District.
Minimum Rear Yard Setback	Note B when adjoining a Residential Zone. Otherwise See Note A1.	Note B when adjoining a Residential Zone. Otherwise See Note A1.	Note B when adjoining a Residential Zone. Otherwise See Note A1.	30 Feet	As Allowed by Building Code but not less than 10 feet with Note A2. Note B when adjoining a Residential Zone.	As Allowed by Building Code but not less than 10 feet with Note A2. Note B when adjoining a Residential Zone.	As Allowed by Building Code but not less than 20 feet.	As Allowed by Building Code but not less than 10 feet with Note A2. Note B when adjoining a Residential Zone.	Per Underlying Zoning District.	Per Underlying Zoning District.

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Minimum Rear Yard Setback (Corner Lot)	Note B when adjoining a Residential Zone. Otherwise See Note A1.	Note B when adjoining a Residential Zone. Otherwise See Note A1.	Note B when adjoining a Residential Zone. Otherwise See Note A1.	30 Feet	As Allowed by Building Code but not less than 10 feet with Note A2. Note B when adjoining a Residential Zone.	As Allowed by Building Code but not less than 10 feet with Note A2. Note B when adjoining a Residential Zone.	As Allowed by Building Code but not less than 20 feet.	As Allowed by Building Code but not less than 10 feet with Note A2. Note B when adjoining a Residential Zone.	Per Underlying Zoning District.	Per Underlying Zoning District.
Minimum Required Landscape Area (percentage of total site area which may include required landscaping within parking areas)	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	10% See Note F1	15% See Note F1	See Note F2	See Note F2	See Note F2	10% See Note F1	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	15%, provided a greater percentage may be required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Maximum/Minimum Building Height	35 Feet or Two Stories for new construction /1 story	35 Feet or Two stories/ 1 story	65 Feet or 4 stories/ 1 story	70 Feet or 6 stories/ 1 story	50 Feet or 4 stories/ 1 story	50 Feet or 4 stories/ 1 story	70 Feet or 6 stories/ 1 story (See note H)	50 Feet or 4 stories/ 1 story	45 Feet or 3 stories/ 1 story	As required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code
Site Planning and Building Design Review Compliance	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Must comply with Design Review requirements of Chapter 7-11 Tooele City Code	Master Developmen t Site Plan required for approval by the Planning Commission . See Note D	Must comply with Design Review requirements of Chapter 7-11Tooele City Code	Must comply with Design Review requirements of Chapter 7-11Tooele City Code	Must comply with Design Review requirements of Chapter 7-11Tooele City Code	*To be written	Must comply with Design Review requirements of Chapter 7-11Tooele City Code	Master Developmen t Site Plan required for approval by the Planning Commission . See Note D
Accessory Dwelling Units for caretaker. Allowed as a Conditional Use only	One Accessory Dwelling Unit for Caretaker (must be located within primary structure).	One Accessory Dwelling Unit for Caretaker (must be located within primary structure).	One Accessory Dwelling Unit for Caretaker (must be located within primary structure)	Not allowed	One Accessory Dwelling Unit for Caretaker (must be located within primary structure)	One Accessory Dwelling Unit for Caretaker (must be located within primary structure)	One Accessory Dwelling Unit for Caretaker (must be located within primary structure)	One Accessory Dwelling Unit for Caretaker (must be located within primary structure)	Requirement of underlying zone applies	Requirement of underlying zone applies

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Accessory Dwelling Unit(s) (located above ground floor)	One Accessory Dwelling Unit for each 6,000 square feet Site Area	One Accessory Dwelling Unit for each 6,000 square feet Site Area	As a Conditional Use Only. One Accessory Dwelling Unit for each 6,000 square feet Site Area	As a Conditional Use Only. One Accessory Dwelling Unit for each 6,000 square feet Site Area	Not allowed	Not allowed	Not allowed	Not allowed	One Accessory Dwelling Unit for each 2,000 square feet Site Area	Requirement of underlying zone applies
Accessory Dwelling Unit (located on the same lot as primary structure)	One Accessory Dwelling Unit for each 10,000 square feet Site Area	One Accessory Dwelling Unit for each 10,000 square feet Site Area	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Requirement of underlying zone applies	Requirement of underlying zone applies
Accessory Drive through Facilities	Not allowed	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required
Accessory Outdoor Sales and Display	Not allowed	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required
Accessory Outside Storage	Not allowed	Not allowed	Conditional Use Approval Required	Not Allowed	Conditional Use Approval Required	Conditional Use Approval Required	Conditional Use Approval Required	Not allowed	Conditional Use Approval Required	Conditional Use Approval Required
Accessory Outside Storage of Flammable or Hazardous Materials	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Conditional Use Approval Required	Not allowed	Not allowed	Not allowed

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use **(MU-G) (MU-B)**	Neighbor-hood Commercial **(NC)**	General Commercial **(GC)**	Regional Commercial **(RC)**	Light Industrial **(LI)**	Industrial Service (IS)	Industrial **(I)**	Research & Develop-ment **(RD)**	Downtown Overlay **(DO)**	Gateway Overlay **(GO)**
Issuance of Demolition Permit for Existing Buildings and Structures	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required	Building permit required
Off-Street Parking Requirements	As Required by Title 7 Chapter 4 See Note E	As Required by Title 7 Chapter 4	As Required by Title 7 Chapter 4	As Required by Title 7 Chapter 4	As Required by Title 7 Chapter 4	As Required by Title 7 Chapter 4	As Required by Title 7 Chapter 4	As Required by Title 7 Chapter 4	As Required by Title 7 Chapter 4 See Note E	As Required by Title 7 Chapter 4
Location of required Off-Street Parking Spaces	As practical to be located to the rear and screened behind building(s)	As practical to be located to the rear and screened behind building(s)							As practical to be located to the rear and screened behind building(s)	As practical to be located to the rear and screened behind building(s)
Landscaping Requirements	See Note F1	See Note F1	See Note F1	See Note F1	See Note F2	See Note F2	Critical Areas plus 1% of site acreage or mitigation (Ord. 02-24, 12-04-02) See Note F2	See Note F1	See Note F1	See Note F1

WHERE TABLE 2 DOES NOT IDENTIFY A DEVELOPMENT STANDARD (THE TABLE CELL IS BLANK) THE REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY

NOTES:

A. 1. As allowed by the International Building Code and any required or existing easements. Side yard setbacks measured from a street right-of-way for corner lots in the MU-B zoning district may be reduced to 0 feet upon approval of the Planning Commission as a part of design review in compliance with Title7 Chapter 11 of the Tooele City Code. Structures shall not be allowed to be constructed within an existing or proposed easement or right-of-way. (2022-14, 04-06-2022) (2018-13, 08-15-2018)

2. Developments on adjoining lots or parcels that are designed, approved, and constructed as one application or project may have the setback reduced to 0 feet to facilitate a cohesive conjoined development across both properties. Structures shall not be allowed to be constructed within an existing or proposed easement or right-of-way. (2022-14, 04-06-2022)

B. The minimum set back requirements of the adjoining Residential Zoning District shall apply for all buildings, parking areas, mechanical equipment, solid waste containers, and all other structures. Side yard setbacks measured from a street right-of-way for corner lots in the MU-B zoning district may be reduced to 0 feet upon approval of the Planning Commission as a part of design review in compliance with Title 7 Chapter 11 of the Tooele City Code. Structures shall not be allowed to be constructed within an existing or proposed easement or right-of-way. (2022-14, 04-06-2022) (Ord. 2018-13, 08-15-2018)

C. Smaller areas may be added to an existing and adjoining District provided such parcels become integrated within the existing development area and comply with all applicable development requirements.

D. The Master Development Site Plan is required to generally identify for the total development site existing and reasonable projected development on the site, providing locations, design and proposed architecture of all buildings, a proposed signage theme and sign locations, open space areas with proposed landscape treatments, location of all parking areas, identifying total parking spaces, mass transit facilities, loading and unloading areas, access points, etc. The Master Development Site Plan must comply with all requirements of Chapter 7-11 of the Tooele City Code and as required by the Planning Commission.

E. No minimum off-street parking requirements are established. It is the policy of the City to maintain existing uses which do not meet the Off-Street Parking requirements of the City and to encourage additional uses and activities within the District. The number of required off-street parking shall be as determined and approved by the Planning Commission, following a recommendation from the City Staff, and recognizing the nature and location of the proposed use or activity. Joint use of parking areas will be encouraged.

F1. No plans for any primary building or structure shall be approved by the Planning Commission or Community Development Department unless a Landscaping Plan is submitted and approved by the Planning Commission or Community Development Department, consistent with the considerations of Tooele City Code §7-11-8. Landscaping in accordance with the approved Landscaping Plan shall be installed prior to issuance of a Certificate of Occupancy unless a bond is posted pursuant to Tooele City Code §7-22-4. The Landscaping Plan shall include at a minimum:

1. A 50/50 mix of evergreen and deciduous trees and shrubs;
2. 60% of trees and shrubs with a minimum caliper of 2 inches and a minimum height of 5 feet;
3. park strip trees, at least one for every 30 feet of right-of-way frontage, in compliance with Tooele City Code §4-11-20 and be of a variety identified in the Tooele City Street Tree Selection Guide.

F2. 1. Critical Areas. “Critical Areas” shall mean those areas of a development site which have a particular sensitivity to environmental considerations, aesthetics, and employee and public convenience, health, and well being. Critical areas shall be determined administratively during discussions/negotiations between Tooele City staff and the developer, and shall address at least the following areas: principle vehicle entrances for employees and customers; principle pedestrian building entrances for employees and customers; employee gathering and rest areas; storm water drainage, detention, and retention facilities; and, screening of exterior building equipment.

2. Minimum Acreage. The 1% site acreage requirement is in addition to, not inclusive of, Critical Area landscaping.

3. Minimum Acreage Requirement Mitigation. In lieu of the 1% acreage landscaping requirement, the developer may pay to Tooele City a mitigation sum equal to the requirement, multiplied by $200 per acre, a reasonable average landscaping budget based upon the most current Tooele City Parks and Recreation master planning documents. For example, the optional mitigation sum for a 200-acre site would be $40,000; for a five-acre site, $1,000. Tooele City will apply mitigation funds to landscaping improvements in Tooele City Parks.

4. Critical Area Requirement Mitigation. In the event that Tooele city staff and the developer conclude that landscaping of a given Critical Area is not possible or practicable due to feasibility or engineering difficulties, the developer shall pay a mitigation sum equal to the area of the Critical Area not landscaped, multiplied by $200 per acre, in lieu of installing the subject Critical Area landscaping. Financial or budgetary difficulties shall not be considered grounds for a determination of impossibility or impracticability or for payment of a Critical Area requirement mitigation sum.

5. Administrative Appeal. Development applicants affected by the administrative determination referenced above may appeal in writing to the Planning Commission, which shall uphold, modify, or reject the determination. No further administrative appeal shall exist.
6. Areas disturbed during the construction process shall complete the following:
    i. All areas disturbed by construction shall be reclaimed with a seed mixture of composed of native Utah grasses and shrubs.
    ii. A disturbed area reclamation plan shall be provided in lieu of a landscape and irrigation plan during the site plan review process.

G. 1. Fencing. Auto impound yards, military surplus yards, and vehicle storage yards shall be fenced with a view-obscuring fence, hedge, or landscaped berm at a height at least equal to the height of the materials stored within but not higher than eight feet. Fencing for Auto impound yards shall comply with all requirements of the Utah State Code for such uses.
2. Location. Auto impound yards, military surplus yards, and vehicle storage yards may not be located closer than 300 feet to a State highway, 500 feet to a zoning district boundary, or 1000 feet to a school.

H. Storage silos involving the storage of non-flammable, non-hazardous materials may be permitted a maximum building height of 100 feet with a Conditional Use Permit. Silo building height shall be measured from finished grade to the mid-point of silo roof pitch or top of silo wall, whichever is greater. Tooele City Fire Department shall verify that materials to be stored are non-flammable and non-hazardous as part of the Conditional Use Permit process.

(Ord. 2024-29, 10-16-2024) (Ord. 2023-36, 09-20-2023) (Ord. 2023-22, 06-07-2023) (Ord. 2022-14, 04-06-2022) (Ord. 2021-40, 12-15-2021) (Ord. 2021-28, 08-04-2021) (Ord. 2020-42, 10-07-2020) (Ord. 2019-08, 03-20-2019) (Ord. 2018-13, 08-15-2018) (Ord. 2010-16, 10-06-2010) (Ord. 2008-09, 11-05-2008) (Ord 2008-08, 07-02-2008) (Ord. 2004-15, 10-20-2004) (Ord. 02-24, 12-04-2002) (Ord. 1999-28, 11-04-1999)

CHAPTER 16a. CSD Commercial Special Districts.

7-16a-1. Commercial Special Districts and Suffix.
7-16a-2. Adoption and Implementation.
7-16a-3. Residential Special Districts Eligibility and Size.
7-16a-4. Development Standards.
7-16a-5. Standard of Review.
7-16a-6. Processes and Procedures.
7-16a-7. Exemptions.

7-16a-1. Commercial Special Districts and Suffix.

The establishment of a Commercial Special District (CSD) shall be the establishment of a new zoning district applicable specifically to the geographic area identified within the CSD. Each approved CSD shall act independently from other approved CSDs. Each CSD shall be titled appropriate to the development planned within the CSD and include the suffix "-CSD" (i.e. Name-CSD) to identify the zoning of the subject properties as a CSD. Each CSD shall be established as its own chapter in this Title, in sequence following this Chapter, the chapter titled according to the name of the CSD, and identified on the official Zoning Map according to the approved name of the CSD.
(Ord. 2021-27, 07-21-2021)

7-16a-2. Adoption and Implementation.

The approval and adoption of an application for a CSD shall require both an amendment to the text of this Title, to establish the CSD and its terms, and an amendment to the official Zoning Map. The approval and adoption of a CSD, shall be done through a single combined process including all documentation and noticing procedures required for the standard review and consideration procedures for a City Code text amendment and Zoning Map Amendment when considered independently. Following the approval and adoption of a CSD, the terms adopted within the CSD shall act as the development standards for properties assigned the CSD designation.
(Ord. 2021-27, 07-21-2021)

7-16a-3. Commercial Special Districts Eligibility and Size.

(1) Land Use. Properties identified within an application for a Commercial Special District shall first be identified on the Land Use Map of the General Plan and assigned to a commercial land use designation. Mixed-use, special use, and industrial land uses shall not be considered a commercial land use for the purpose of considering eligibility for an CSD.

(2) Size. The minimum size for any application for a Commercial Special District shall be 50 acres. All acreage identified for inclusion in an CSD shall be contiguous and developable. Land identified as having any of the following conditions may be included within an CSD but shall not be included in the calculation of minimum acreage for CSD eligibility:

(a) slopes prohibiting development;

(b) environmentally sensitive conditions, such as but not limited to drainage channels, lakes, or ponds;

(c) preservation designations, such as conservation easements;

(d) publicly owned lands; or

(e) properties previously approved for development under a land use application or building permit.

(3) Eligibility. Any application for a Commercial Special District that does not fully comply with the requirements of this section shall be considered ineligible for consideration as an CSD and denied.
(Ord. 2021-27, 07-21-2021)

7-16a-4. Development Standards.

Each application for a CSD shall establish a complete set of non-residential development standards for implementation on properties assigned the CSD zoning designation. Development standards for a CSD shall only be applicable towards standards addressed in Title 7. Such standards may refer to generally applicable standards established elsewhere in this Title. Each application for a CSD shall address and establish provisions for at least the following:

(1) The name proposed for the CSD;

(2) The geographic boundaries of the CSD;

(3) The purpose and intent of the CSD including a written description of the CSD proposal with the expected outcome and benefit the CSD will provide to the community;

(4) Identification of all permitted, conditional, and not permitted uses and use types, as defined within this Title;

(5) Development standards for all identified allowable uses, which may be the same or differ by area or use type, including at least:

(a) Minimum and/or Maximum Lot Sizes;

(b) Minimum Lot Frontage;

(c) Minimum Lot Width, Interior & Corner Lots;

(d) Minimum Front Setbacks;

(e) Minimum Side Setbacks, Interior & Corner Street Side;

(f) Minimum Rear Setbacks;

(g) Minimum and Maximum Building Heights;

(h) Maximum Lot Coverage;

(i) Location, arrangement configuration, and bulk standards for buildings;

(j) Minimum Landscaping Coverage;

(k) Fencing;

(l) Lighting; and,

(m) Parking;

(6) Architectural Design Standards for buildings and features within the CSD;

(7) Amenities and features including but not limited to:

(a) Private amenities within the proposed CSD for the benefit of businesses and employees within the CSD;

(b) Public amenities within the proposed CSD for the benefit of the entire community;

(c) Relationship and connections to existing & proposed public amenities (trails, open spaces, etc.); and,

(d) Environmentally sensitive features and preservation areas:

(8) Methods by which the CSD will integrate with or separate from neighboring uses and developments, both residential and non-residential;

(9) Transportation elements including:

(a) Identification of public and private roadways within the CSD area (location, layout, classifications of roadways, etc.);

(b) Roadway design standards (cross sections) for each identified classification of private roadway;

(c) Identification of truck routes and routes for use by heavy vehicles; and,

(d) Pedestrian paths, accesses, and connections with design (layout, cross sections, purpose, etc.);

(10) Signage, including development signage and signage for individual or groups of uses within the proposed CSD;

(11) Codes, Covenants & Restrictions (CC&Rs), as applicable, including:

(a) Provisions establishing and governing a master association (MA); and,

(b) Maintenance of amenities and facilities by the master association (MA);

(12) Storm water facilities and maintenance, including:

(a) Detention and retention areas, including conceptual design layout, features of basins, etc.; and,

(b) Drainage channels;

(13) Graphic illustrations, as needed;

(14) Conceptual and layout mapping for the proposed CSD including:

(a) Properties included;

(b) Description of boundaries (not necessarily legal description);

(c) Identified existing natural and developed features;

(d) Conceptual development plans;

(e) Data tables including at least:

(i) Total project acreage;

(ii) Acreage of each use type, area, etc.;

(iii) Public and private streets;

(iv) Public dedications;

(v) Private properties, uses, and features; and,

(vi) Identification of unbuildable or preservation areas; and,

(15) The manner in which all other aspects of development within the boundaries of the CSD not otherwise addressed by the CSD will be handled (i.e. all other aspects of development not otherwise addressed by the CSD shall default to the base tenets of Title 7 of the Tooele City Code).

(Ord. 2021-27, 07-21-2021)

7-16a-5. Standard of Review.

(1) Standard of Review. The Planning Commission and City Council shall be under no obligation to approve an application for a Commercial Special District. The Planning Commission and City Council shall be under no obligation to approve any single feature, element, or provision proposed within an application for a CSD. Every application for a CSD shall be considered independently of all other CSD applications according to its own merits, benefit to the City, and its compliance with the terms of this Chapter. The consideration, approval, or denial of an application for a CSD shall not be based on the process, decision, features, or aspects of any other application for a CSD. Each respective CSD shall be non-binding upon any other CSD both during the application and review process and through development and land use.

(2) Findings Required. The approval or denial of an application for a Commercial Special District shall be based on at least the following findings:

(a) the proposed Commercial Special District will result in the development of properties in a manner that is not reasonably feasible under the terms of zoning districts identified in Table 1 of Chapter 7-16;

(b) the proposed Commercial Special District will result in the development of properties in a manner that will provide a substantial benefit to the City; and,

(c) the proposed Commercial Special District

will result in the development of properties in a manner that provides uses, configuration, and/or product types that are unique to the community or address a documented deficiency in the market.
(Ord. 2021-27, 07-21-2021)

7-16a-6. Processes and Procedures.

The approval and adoption of a CSD shall not alter or change the approval processes to be employed for land use applications within the CSD. Proposals for establishment of an CSD shall not contain alterations to any approval processes or procedures identified in the Utah State Code or Tooele City Code. A CSD shall not change or affect any aspect of permitting for construction of structures and uses within the CSD.
(Ord. 2021-27, 07-21-2021)

7-16a-7. Requirements and Exemptions.

The approval and adoption of a CSD shall not alter or change any requirement for approval identified for same land use application outside of the CSD. Proposals for establishment of a CSD shall not contain alterations to or exemptions from any requirement for processing, review, approval, or permitting identified in the Utah State Code or Tooele City Code.
(Ord. 2021-27, 07-21-2021)

CHAPTER 16b. TOOELE CITY BUSINESS PARK ZONING DISTRICT

7-16b-1. Purposes.
7-16b-2. Zoning Map.
7-16b-3. Land Uses.
7-16b-4. Development Standards.
7-16b-5. Architectural Standards.
7-16b-6. Landscaping Standards.
7-16b-7. Sign Standards.
7-16b-8. Lighting Standards.

7-16b-1. Purposes.

The purpose of the Tooele City Business Park zoning district is to determine the form of uses and buildings on approximately 324 acres of contiguous land adjacent to recorded phases of the Tooele City Commercial Park in a manner that (1) transitions appropriately from existing single-family and multi-family residential uses to future commercial and industrial uses, (2) establishes regulations aimed at maximizing the quality and value of a business park through architectural, landscaping, lighting, and other development standards, (3) creates a unique railed-served mixed-use commercial-industrial business park, and (4) fosters renewable energy sources.
(Ord. 2023-28, 06-07-2023)

7-16b-2. Zoning Map.

The Tooele City Business Park zoning district shall have the general form shown on Figure 1, which identifies three use areas known as Section A (general and neighborhood commercial uses), Section B (lighter-industrial uses), and Section C (heavier-industrial uses).
(Ord. 2025-28, 10-15-2025) (Ord. 2023-28, 06-07-2023)

7-16b-3. Land Uses.

The land uses allowed in the Tooele City Business Park zoning district, including both permitted and conditional uses, are set forth in Table 1: Table of Uses. A use not identified as either P or C in a Section shall be prohibited in that Section. A use not identified in the Table shall be a prohibited use unless substantially similar to an identified use, as determined by the Zoning Administrator in light of existing use definitions contained in Section 7-1-5.
(Ord. 2023-28, 06-07-2023)

7-16b-4. Development Standards.

(1) Development Standards. Except as otherwise provided in this Chapter, the development standards for the Tooele City Business Park zoning district shall be those indicated in the Light Industrial column of Chapter 7-16, Table 2 (Development Standards).

(2) Building Height. The maximum building height in Section A shall be 35 feet, except a hotel may have a maximum building height of 50 feet for up to three stories. The maximum building height in Section B shall be 50 feet. The maximum building height in Section C shall be 70 feet.

(3) Parking. Off-street parking requirements shall be determined under Chapter 7-4.

(4) Fencing. All outdoor storage areas shall be fenced with a solid and opaque view-obscuring fence at a height at least equal to the height of the materials stored, but not higher than eight feet. Acceptable fence materials include masonry, vinyl, rhino rock, metal panel, and other similar materials. Chain link fence with slats is not an acceptable fence material.

(5) Wind Turbines. Where permitted, wind turbines shall be limited to a height of 175 feet to vertical tip of the blade and shall be setback 115% of its height from all property lines.
(Ord. 2023-28, 06-07-2023)

7-16b-5. Architectural Standards.

(1) Building Materials – General. All primary structures shall have an exterior finish of either concrete masonry units, brick, tilt-up concrete, precast concrete, stucco or stucco-appearing material, or colored enamel metal panels.

(2) Materials – Specific. The front façade of all primary structures shall be finished with architectural block, face brick, glass, stucco or stucco-appearing material, tilt-up concrete, or precast concrete, or a combination of these materials. For buildings finished with colored enamel panels, a portion of the front façade may utilize metal panels to help maintain architectural continuity.

(3) Minimum Design Details. All primary structures must provide architectural relief. This may be achieved by one or more of the following or similar methods and materials: windows with minimum four-inch trim of alternate but complementary materials and colors, awnings, varying facial planes, covered entryways, colonnades, etc. For the façades of concrete tilt-up buildings, indented patterns, windows, and coloration shall be an acceptable method of satisfying this requirement. To avoid large uninterrupted wall expanses, all front façades shall include architectural elements at least every 50 horizontal linear feet. All façades facing public roads, façades facing residential structures, and front façades shall include a minimum of 15% of wall façade composed of brick, stone, or other similar masonry product.

(4) Mechanical Equipment. All rooftop mechanical equipment shall be concealed from public view to the maximum extent by screening it with

integral portions of building architecture, including structural parapet walls. "Concealed from public view" shall be determined by what a person would see when standing on the street in front of a building. The color of all conduits, vents, and other appurtenances shall match the color of the surrounding building surfaces.

(5) Roofs. All primary structure roofs in Section A shall be pitched at a minimum slope of 3:1 and shall not include any rooftop mechanical equipment.

(Ord. 2023-28, 06-07-2023)

7-16b-6. Landscaping Standards.

(1) Section A Landscaping.

(a) Lots in Section A shall include landscaping on at least 10% of the lot.

(b) For other landscaping standards applicable to Section A, see Chapter 7-16, Table 2, Note F1.

(2) Section B (Light Industrial) Landscaping.

(a) Lots in Section B shall include landscaping on at least 1% of the lot.

(b) For other landscaping standards applicable to Section B, see Chapter 7-16, Table 2, Note 2.

(3) Section C (Heavier Industrial) Landscaping.

(a) Lots in Section C shall be exempt from all landscaping requirements.

(b) Areas disturbed durn the construction process shall complete the following:

(i.) All areas disturbed by construction shall be reclaimed with a seed mixture of composed of native Utah grasses and shrubs.

(ii.) A disturbed area reclamation plan shall be provided in lieu of a landscape and irrigation plan during the site plan review process.

(iii.) Irrigation used solely for the establishment of revegetation within disturbed areas shall not be required to be permanent.

(4) Public right-of-way park strip landscaping and on-site parking lot landscaping may be included in determining compliance with the requirements of this Section.

(5) Landscaping shall be water-wise in nature and shall not include sod or turf grass. All landscaping shall be irrigated, and all irrigation shall utilize drip or similar bubbler systems.

(6) Public right-of-way landscaping in Sections A-B shall include trees as required in Chapter 7-16, Table 2, Note F1, and shall consist of trees approved by the City's street tree selection guide.

(Ord. 2026-14, 06-03-2026)(Ord. 2023-28, 06-07-2023)

7-16b-7. Sign Standards.

(1) General. Signs in the Tooele City Business Park shall be regulated by Chapter 7-25.

(2) Section A. Signs allowed in Section A of the Tooele City Business Park shall be those allowed in commercial zoning districts as provided in Section 7-25-14.

(3) Sections B and C. Signs allowed in Sections B and C of the Tooele City Business Park shall be those allowed in industrial zoning districts as provided in Section 7-25-15.

(4) Frontage on Mid-Valley Highway or its successor state road shall not be included in determining the permissibility of pole or pylon signs, notwithstanding any contrary provisions in Chapter 7-25.

(Ord. 2023-28, 06-07-2023)

7-16b-8. Lighting Standards.

(1) Color Temperature. The maximum color temperature for outdoor light fixtures shall be 3,000K.

(2) Lumens. The maximum lumens for outdoor light fixtures shall be 2,500 lumens per fixture, and 100,000 lumens per acre.

(3) Light Poles. The maximum pole height for parking lot lighting shall be 16 feet for parking lots with less than 200 parking stalls, and 20 feet for parking lots with 200 or more parking stalls.

(4) Shielding. Outdoor light fixtures shall be fully shielded and directed downward. Compliant shielding is illustrated in Figure 2.

(Ord. 2023-28, 06-07-2023)

Figure 1. Zoning Map.

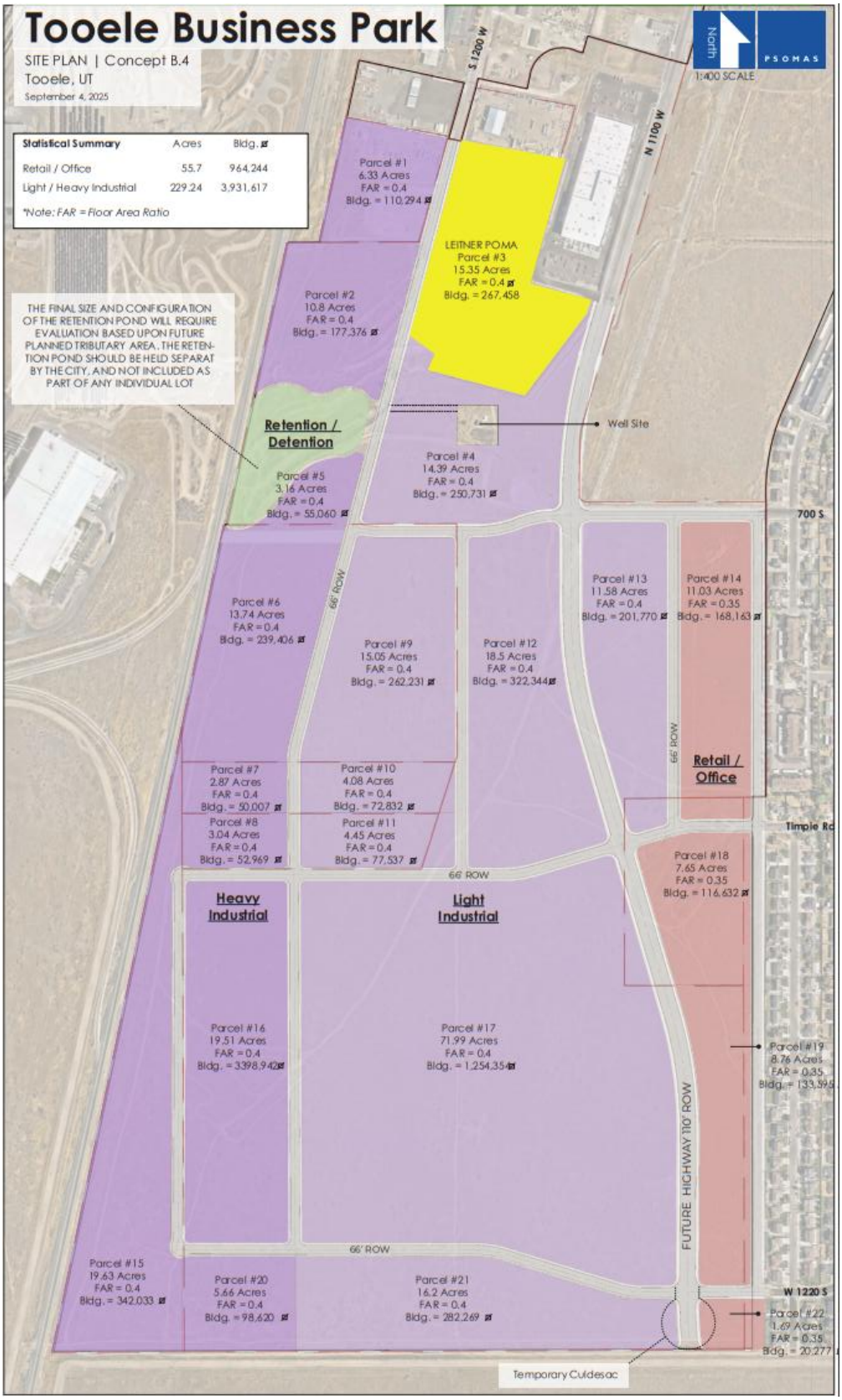


Figure 1. Zoning Map (Cont.)

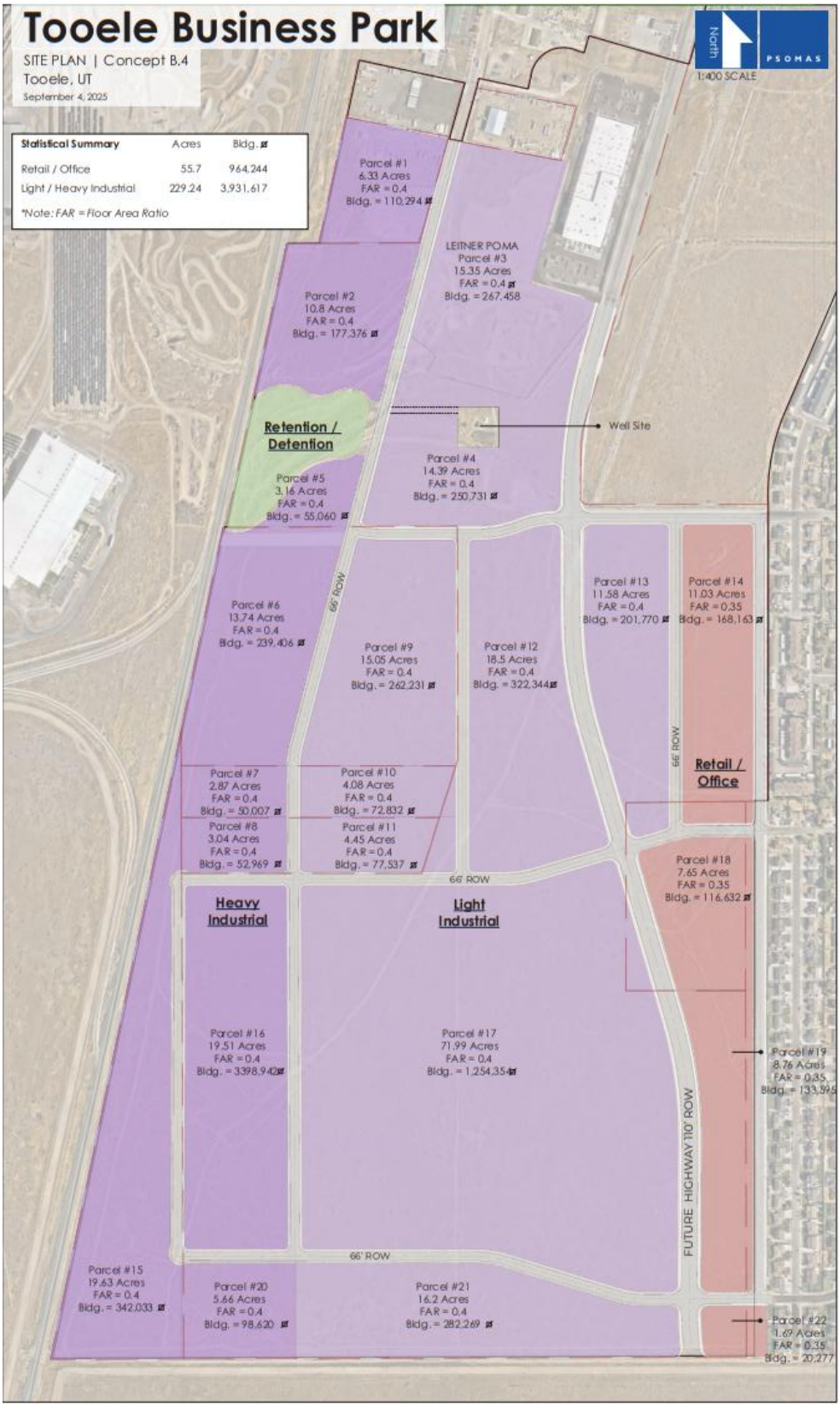


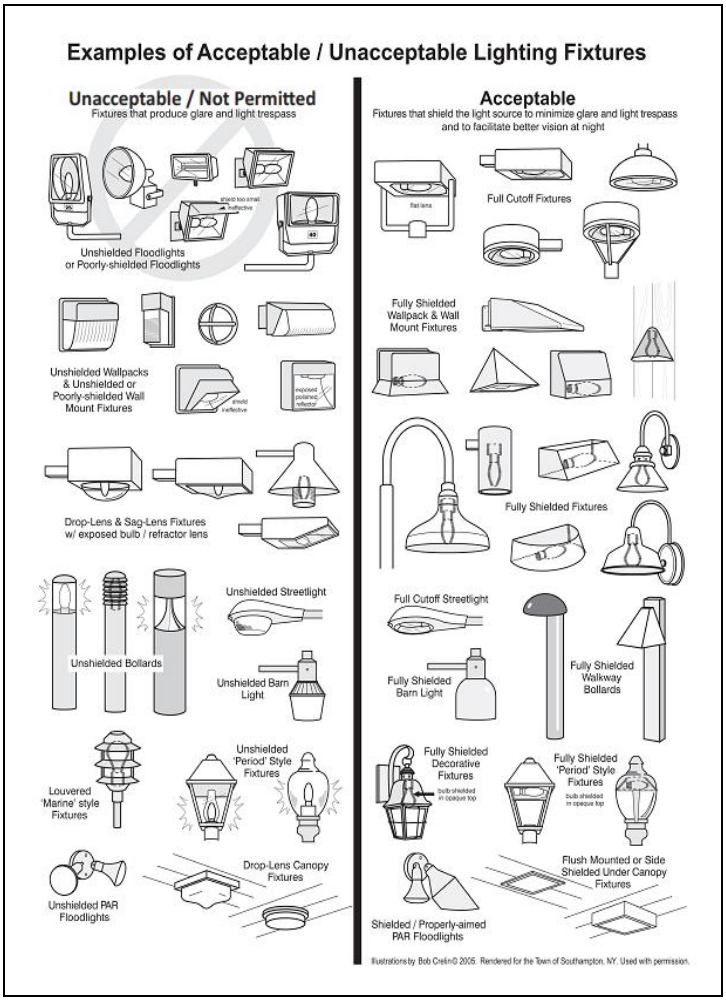
Figure 1. Zoning Map (Cont.)



(Ord. 2025-28; 10-15-2025) (Ord. 2023-28, 06-07-2023)

Figure 2. Light Fixture Standards.





(Ord. 2023-28, 06-07-2023)

CHAPTER 17. Repealed.
(Ord. 98-40, 12-16-98.)

CHAPTER 18. PLANNED DISTRICT, P
Repealed.
(Ord. 2003-10, 03-19-03 and Section 7-18–8).

Refer to Ord. 83-05, 04-20-83 for old language.

7-18-8. Repeal of Planned District, P.

Pursuant to Tooele City Ordinance 2003-10, this Chapter shall be repealed and shall be of no further force or effect for purposes of all development applications filed after the date of the public notice of the public hearing of this Ordinance. This repeal shall have no effect upon the status of the P (Overlake) Planned District.
(Ord. 2003-10, 03-19-03 and Section 7-18–8).

CHAPTER 7-18a. PLANNED DISTRICT: OVERLAKE (P)

Enacted by Ordinance 1997-37 (October 29, 1997)
Amended by Ordinance 2015-05 (February 4, 2015)

Location: 1000 North to 2000 North, SR-36 to 400 West

ZONING REGULATIONS OF THE OVERLAKE (P) PLANNED DISTRICT:

TABLE OF USES
Residential Use Areas

Uses	Multi-family Use Areas	Single-family Zero-lot-line Areas	Single-family Areas
Accessory Buildings and Uses	P	P	P
Agriculture (Forestry/Horticultural Production)	P	P	P
Bed and Breakfast Inn	C	C	C
Churches and Religious Facilities	C	C	C
Commercial Daycare, Preschool	C	C	C
Dwelling: Single-family (detached)	P	P	P
Dwelling: Single-family (attached)	P	P	
Dwelling: Two-family	P	P	P
Dwelling: Three-family	P		
Dwelling: Four-family	P		
Dwelling: Multiple family (Apartments)	P		
Dwelling: Manufactured Housing Unit			
Dwelling: Townhouse/Condominium	P	P	
Gardening	P	P	P
Golf Course and Country Club	C	C	C
Home Occupation	P	P	P
Home Occupation Daycare, Preschool	C	C	C
Hospital			
Medical and Dental Clinic			
Open Space Areas, Trails	P	P	P
Park and Ride Facilities (located on arterial streets)			
Private Parks	C		C
Private and Public Schools	C	C	C
Private Recreational Facilities	C	C	
Professional Offices			
Public Buildings and Facilities	C	C	C
Public/Private Transmission Lines, Facilities	C	C	C
Residential Facilities for Persons with a Disability	P	P	P
Residential Facilities for Elderly Persons	P	P	P
Sports Fields	C	C	C
Temporary Concessions (located in Public Parks)	C	C	C
Temporary Construction Buildings and Storage	P	P	P
Temporary Sales Office	P	P	P

TABLE OF USES
Commercial, Mixed Use, and Open Space Areas

Uses	Neighborhood Commercial	Highway Commercial	Mixed Use	Open Space
Accessory Buildings and Uses	P	P	P	P
Agricultural (Horticultural Production)	P	P	P	P
RESIDENTIAL USES				
Bed and Breakfast Inn	C	P	P	
Dwelling units above ground floor (Minimum 500 sq. ft. per dwelling)	P	P	P	
Dwelling unit for caretaker/security guard (Must be within primary structure and not an accessory unit)	P	P	P	
Mixed-use Residential and Commercial Structure (Minimum 500 sq. ft. per dwelling)	P	P	P (units above ground floor)	
Mixed-use Project (Residential and non-residential uses in separate structures on same lot) (Minimum 500 sq. ft. per dwelling)	C	C	C	
Nursing Home	C	P	C	
Retirement Home/Center	C	P	C	
NON-RESIDENTIAL USES				
Church			C	P
Cultural and Artistic Uses (e.g., museums, galleries, performing arts studios)	C	C	P	C
Golf Course, Country Club				P
Open Space, Trails, Greenways	P	P	P	P
Parks and Playgrounds	P	P	P	P
Park and Ride Facilities		P		
Schools				P
Baseball Fields			P	
Public Buildings and Facilities		C	C	C
Public and Private Utility Facilities	C	C	C	C
Financial Institutions and Services	P	P	P	
Financial Institutions and Services (with drive through)		P		
Medical and Dental Clinics		C	C	
Professional Offices	C	P	P	
Veterinary Offices (Operating entirely within an enclosed building and keeping animals overnight only for treatment purposes)		C		
Automobile Service and Repair		P		
Automobile Sales and Rental		P		
Building Maintenance Services		C		
Hardware Store (with no outside storage)		P	P	
Hardware Store (with outside storage)		C		
Car Wash		P		
Commercial Parking Lot/Structure		P	C	
Commercial Recreational Facility	C	C	C	
Conference Center		C	C	
Convenience Store (without gasoline sales)	P	P	P	
Convenience Store (with gasoline sales)	C	P		
Child Daycare (commercial)	C	C	C	
Equipment Sales and Rental		C		
Funeral Home		P		
Hospital		C		
Health Club	C	P	C	

Hotel		C	P	
Motel		P		
Launderette, Laundromat	C	P	P	
Mini-storage		C		
Theater		P	P	
Outdoor Sales, Display, and Dining		P	P	
Outdoor Storage of Materials, Products, Equipment (Incidental to an allowed use)		C		
Personal Services	P	P	P	
Plant Nursery (with outside display)	C	P	C	
Liquor Store, Bar, Private Club		C		
Restaurant	C	P	P	
Fast Food Restaurant (with drive up window(s))		P		
Retail Facilities and Services (accessory to principal use)	P	P	P	
Retail Sales (e.g., limited general retail, grocery store, drug store)	P	P	P	
Retail Sales (general and goods establishments, e.g., general retail, department store, grocery store, drug store, variety store)		P		
Schools, Vocational and Technical		P	C	
Temporary Construction Buildings and Yards (12 months maximum)	C	C	C	C
Temporary Sales Office (12 months maximum)		P	C	
Communication Facilities and Towers		C		
Utility Lines	C	C	C	C
Repair Shop (household and personal goods)	C	P	P	

TABLE OF ALLOWED DENSITY

Residential Use Areas

Standard	**Multi-family**	**Single-family Zero-lot Line**	**Single-family**
Dwelling: Single-family Minimum Lot Size (sq. ft.)	P 2,500	P 5,000	P 7,000 sq. ft. maximum 12% may be <7,000 but >5,000; minimum 12% must be >10,000
Dwelling: Two-family Minimum Lot Size (sq. ft.)	P 5,000	P 10,000	P 14,000
Dwelling: Three-family Minimum Lot Size (sq. ft.)	P 7,500	Not Allowed	Not Allowed
Dwelling: Four-family (sq. ft.) Minimum Lot Size (sq. ft.)	P 10,000	Not Allowed	Not Allowed
Dwelling: Multi-family	Max. 48 units/acre with parking located under structure. Max. 24 units/acre otherwise.	Not Allowed	Not Allowed
Dwelling: Townhouse/Condominium Minimum Lot Size (sq. ft.)	P 2,500 (per dwelling for attached units only)	P 2,500 (per dwelling for attached units only)	Not Allowed
Maximum Dwelling Units per acre for PUD	Not Applicable	Not Applicable	Not Applicable
Other Allowed Uses Minimum Lot Size (sq. ft.)	7,000	8,000	8,000

TABLE OF MINIMUM SITE PLANNING AND DEVELOPMENT STANDARDS
Residential Use Areas

Standard	Multi-family	Single-family Zero-lot Line	Single-family
Lot Width Minimum (frontage)	25 ft. at front property line for Townhouses, Condominiums. 35 ft. all other residential uses. 80 ft. for nonresidential uses.	25 ft. at front property line for Townhouses, Condominiums. 40 ft. Single-family. 50 ft. Two-family. 80 ft. all other uses.	50 ft. Single-family at front property line. 60 ft. Two-family. 80 ft. all other uses.
Front Yard Setback minimum	20 ft.	20 ft.	20 ft.
Rear Yard Setback minimum (interior lot)	20 ft. Zero ft. for all garages accessed from alley.	25 ft. Zero ft. for all garages accessed from alley.	25 ft. Zero ft. for all garages accessed from alley.
Rear Yard Setback minimum (corner lot)	20 ft. Zero ft. for all garages accessed from alley.	20 ft. Zero ft. for all garages accessed from alley.	20 ft. Zero ft. for all garages accessed from alley.
Side Yard Setback minimum (interior lot)	6 ft. Zero ft. for attached units.	6 ft. Zero ft. for attached units.	6 ft.
Side Yard Setback minimum (corner lot)	15 ft.	15 ft.	15 ft.
Building Height (minimum/maximum)	60 ft. or 3 stories above partially below grade parking/1 story.	35 ft./1 story	35 ft./1 story
Lot Coverage total (all buildings)	60%	60%	40%

TABLE OF MINIMUM SITE PLANNING AND DEVELOPMENT STANDARDS
Commercial, Mixed Use, and Open Space Use Areas

Standard	Neighborhood Commercial	Highway Commercial	Mixed Use	Open Space
Lot Width minimum (frontage)	No Minimum	No Minimum	No Minimum	No Minimum
Front Yard Setback minimum	All primary buildings required to be at front property line or back of sidewalk. Zero ft. for parking areas 65 ft. wide or less. 10 ft. for parking areas with 4 ft. view-obscuring landscaping. 25 ft. all other parking areas.	Zero ft. for buildings. 25 ft. for any area used for vehicle parking.	All primary buildings required to be at front property line or back of sidewalk. Zero ft. for parking areas 65 ft. wide or less. 10 ft. for parking areas with 4 ft. view-obscuring landscaping. 25 ft. all other parking areas.	Zero ft. for buildings. 25 ft. for any area used for vehicle parking.
Rear Yard Setback minimum	20 ft.	As required by building codes.	As required by building codes.	25 ft.
Side Yard Setback minimum	20 ft. from dwellings and residential use areas.	As required by building codes.	As required by building codes.	25 ft.
Building Height (maximum/minimum)	2 stories/1 story	4 stories/1 story	4 stories/1 story	3 stories/1 story

TABLE OF MINIMUM ALLOWED RESIDENTIAL DWELLING UNIT SIZE (sq. ft.)

Unit Type	Multi-family	Single-family Zero-lot Line	Single-family
APARTMENTS	650 for 1-bedroom units 800 for 2+ bedroom units	Not Permitted	Not Permitted
OTHER DWELLINGS			
1 story with single covered parking	900	900	900
1 story with single garage	850	850	850
1 story with double+ garage	800	800	800
2 story with single covered parking	1,250	1,200	1,350
2 story with single garage	1,250	1,200	1,350
2 story with double+ garage	1,125	1,100	1,125

TABLE OF OFF-STREET PARKING REQUIREMENTS

Use	Parking Spaces Required
Dwelling: Single-family	2 per dwelling unit.
Dwelling: Two-family	2 per dwelling unit.
Dwelling: Three-family	2 per dwelling unit.
Dwelling: Four-family	2 per dwelling unit.
Dwelling: Multiple-family (Apartments)	1 for each 1-bedroom dwelling unit. 1.5 for all other dwelling units. Guest parking: 1 space for each 8 dwelling units.
Dwelling: Townhouses/ Condominiums	2 per dwelling unit.
Residential Facilities for Persons with a Disability	1 for each 4 residents, plus 1 for each 2 employees during regular working hours.
Residential Facilities for Elderly Persons	1 for each 4 residents, plus 1 for each 2 employees during regular working hours.
Bed and Breakfast Inn	1 for each sleeping unit, plus 1 for each employee during regular working hours.
Nursing Home	1 for each 5 patient beds, plus 1 for each employee during regular working hours.
Retirement Home/Center	1 for every 2 sleeping units, plus 1 for each employee during regular working hours.
Daycare (in home)	2 per home.
Daycare (commercial)	As approved by the Planning Commission.
Elementary Schools Junior High Schools	As approved by the Planning Commission.
High Schools	As approved by the Planning Commission.
Churches	1 for every 5 seats in the assembly area.
Parks and Playgrounds	As approved by the Planning Commission.
Sports Fields, Sporting Facilities, Arenas	1 for every 3 seats at maximum capacity or as approved by the Planning Commission.
Open Space, Trails, Greenways	As approved by the Planning Commission.
Civic Uses, Public Buildings, Public Facilities	As approved by the Planning Commission.
Hotels, Motels	1 for each sleeping unit, plus 1 for each employee during regular working hours.
Medical Clinics	4 per doctor or dentist, plus 1 for each additional employee.
Hospitals	1 for each 2 patient beds, plus 1 for each employee during regular working hours.

Funeral Homes, Museums, Civic Uses	20, or 1 for each 30 sq. ft. in all assembly areas, whichever is greater, or as approved by the Planning Commission.
Retails Stores	1 for each 350 sq. ft. of gross floor area. In Mixed Use Areas, a maximum of 1 for each 600 sq. ft. of gross floor area.
Corporate Offices, Professional Offices, Business Offices, Financial Institutions	1, plus 1 for each 300 sq. ft. of gross floor area. In Mixed Use Areas, a maximum of 1 for each 600 sq. ft. of gross floor area.
Restaurants, Bars, Lounges, Private Clubs	1 for each 3.0 seats, or 1 per 100 sq. ft. of gross floor area, whichever is greater. In Mixed Use Areas, a maximum of 1 for each 5 seats, or 1 per 250 sq. ft. of gross floor area, whichever is greater.
Theaters, Sports Arenas, Public Assembly Areas, Commercial Recreation Areas	1 for each 3 seats at the maximum seating capacity, or as approved by the Planning Commission.

NOTES:

1. The size of all parking stalls and design requirements for all parking areas will be as required by Tooele City at the time of development application. (*Reference* TCC Chapter 7-4.)

2. For all uses and activities located within the Mixed Use Areas, requests for reductions to the off-street parking requirements identified may be reviewed and approved by the Planning Commission and/or City Council after considering the nature and location of the proposed use.

3. Americans with Disabilities Act: all property owners and applicants for development approvals are advised that, in addition to the minimum off-street parking requirements, they are also required to comply with the minimum standards for the provision of handicapped parking spaces, as identified and required by the Americans with Disabilities Act, as amended.

ARCHITECTURAL DESIGN STANDARDS

See Architectural Design Standards on file with the Community Development Department for the following:

- Single-family dwellings
- Multi-family dwellings
- Mixed Use Area buildings
- Neighborhood Commercial buildings
- Highway Commercial buildings

LANDSCAPING DESIGN STANDARDS

See Landscaping Design Standards on file with the Community Development Department.

(Ord. 2024-09, 05-01-24)

CHAPTER 19. SUBDIVISIONS

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7-19-35. Minor Subdivision - Exemptions from preliminary subdivision process.
7-19-36. Effect of revocation and voiding.

7-19-1. Application of Chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, whether for residential or non-residential purposes, except in conformity with the provisions of this Chapter. The subdivision plans and plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations of this Chapter.
(Ord. 2023-43, 12-20, 2023) (Ord. 1977-18, 10-19-1977)

7-19-2. General provisions.

(1) Wherever any subdivision of land is proposed within the incorporated limits of the City, the owner or subdivider shall submit both a preliminary subdivision application and a final subdivision application to the City for approval.

(2) Until a preliminary subdivision is approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract, or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

(c) No improvements – such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, and lighting, grading, paving, or surfacing of streets – may be made by any person or utility.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Floodplain Administrator, and areas subject to poor drainage, will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision in compliance with state and federal regulations and with Chapter 4-13 of this Code.

(3) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the land use authority may cause to be prepared, before subdivision approval, a plan for the entire unit, the plan to be used by the land use authority to determine compliance of a subdivision application with City regulations.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary subdivision, but prior to the approval of a final subdivision, shall apply to that final subdivision to the extent they do not alter the preliminary subdivision's use, density, or configuration. For purposes of this Chapter, the words "use, density, and configuration" shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City land use regulations in effect at the time of complete preliminary subdivision application submission;

(b) density: the number of lots contained in a preliminary subdivision approved by the Planning Commission;

(c) configuration: the general manner in which

the density is laid out in a preliminary subdivision approved by the Planning Commission.

(5) Amendments to the City Code enacted by the City Council shall apply to the use, density, and configuration of an approved preliminary subdivision and to a final subdivision application if the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by the subdivision's use, density, and/or configuration.

(6) Lots and parcels created and divided as allowed under state law without City land use approval pursuant to this Chapter shall not enjoy the rights otherwise vested by compliance with this Chapter. Owners of such lots or parcels may acquire vested rights by obtaining approval of a preliminary subdivision and final subdivision, or a minor subdivision. Such lots or parcels shall be subject to all City regulations concerning the development of subdivided land.
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-3. Interpretation.

(1) In interpretation and applications, the provisions of this Chapter shall be held to be the minimum requirements.

(2) Where the conditions imposed by any provision of this Chapter upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(3) This Chapter shall not abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or private agreements, this Chapter shall govern.
(Ord. 2023-43, 12-20-2023) (Ord. 1977-18, 10-19-1977)

7-19-4. Severability.

If any Section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such a holding shall not affect the validity of the remaining portions of the Chapter.
(Ord. 2023-43, 12-20-2023) (Ord. 1977-18, 10-19-1977)

7-19-5. Rules or interpretation.

Words used in the present tense shall include the future. Words used in the singular shall include the plural, and the plural the singular.

(1) "May" is permissive.

(2) "May not" is prohibitive.

(3) "Must" indicates a mandatory requirement.

(4) "Shall" is mandatory and not discretionary.

(5) "Used for" shall include the phrases "arranged for, designed for, designated for, intended for, maintained for, occupied for, and similar phrases."
(Ord. 2023-43, 12-20-2023) (Ord. 2013-16, 11-06-2013) (Ord. 1977-18, 10-19-1977)

7-19-6. Property line adjustments.

(1) Staff Authority. The Zoning Administrator or designee shall have the authority to approve or deny a property line adjustment in accordance with the regulations outlined in this Section. Alternatively, the Zoning Administrator may direct that the application follow the standard procedures for subdivision approval, as provided elsewhere in this Chapter. The applicant may appeal the decision of the Zoning Administrator to deny a property line adjustment, as outlined in Chapter 1-27 of the Tooele City Code.

(2) Property Line Adjustments. Applications to adjust property lines between adjacent properties:

(a) where one or more of the affected properties is included within a prior recorded subdivision plat, property line adjustment may only be accomplished upon the recordation of an amended plat that conforms to the standards outlined in this Section and following approval of an amended plat according to the standard plat approval process outlined elsewhere within this Chapter; or,

(b) where all of the affected properties are parcels of record, may be accomplished upon approval, execution, and recordation of appropriate deeds describing the resulting properties, upon compliance with the standards outlined in this Section, and following approval according to the terms of this Section prior to recordation.

(3) Standards. Owners of adjacent properties desiring to adjust common property lines between those properties shall comply with the following standards:

(a) no new lot, parcel, or property results from the property line adjustment;

(b) the adjoining property owners consent to the property line adjustment;

(c) the property line adjustment does not result in remnant land that did not previously exist (a remnant parcel is land that does not comply with the land use regulations of the zoning district where it is located);

(d) the property line adjustment does not result in a land-locked property, and all properties affected by the adjustment have access to a public or private street or right-of-way;

(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements of this Title for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment, together with all

required information and documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for subdivision approval.

(b) An application for a property line adjustment involving parcels of record shall include at least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state, including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all information and documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjusmtent; and,

(iii) recites the lrgal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(8) All property line adjustment shall preserve existing easements and provide for new easements for public improvements and other utilities serving the affected parcels.

(9) In the alternative to this Section, property owners may accomplish a lot line adjustment following the procedures established by State of Utah statute.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

7-19-6.1. Property combinations.

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations may be approved only for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2023-43, 12-20-2023) (Ord. 2013-16, 11-06-2013)

7-19-6.2. Non-standard divisions of land.

(1) A non-standard division of land is not a subdivision under this Title.

(2) A non-standard division is a bona fide division of land by deed or other instrument where the division of land:

(a) is unassociated with a land use application on the divided parcels;

(b) does not confer any land use approvals; and,

(c) has not been approved by the land use authority.

(3) Before a parcel of land involved in a non-standard division can receive a land use approval, the owner must comply with all the requirements of this Code for land use approvals, including, but not limited to, all land use regulations, subdivision, public improvements bonding and construction, conveyance of water rights, payment of impact fees, etc.

(Ord. 2025-07, 04-02-2025)

7-19-7. Dedications.

Every person who must dedicate any right-of-way, street, alley, or other land interest for public use, as part of a land use approval, may do so by way of a recorded final subdivision plat or by conveyance of a deed of dedication acceptable to the City.

(Ord. 2023-43, 12-20-2023) (Ord. 2010-05, 06-02-2010) (Ord. 1981-24, 06-11-1981)

7-19-8. Procedure for approval of preliminary subdivision.

(1) Purpose and Scope. The purpose of the

preliminary subdivision application and review is to verify the proposed subdivision complies with all City regulations for the subdivision of land. The scope of the preliminary subdivision shall include primarily the uses of land, and the density and configuration of those uses. All application requirements are intended to address that scope.

(2) Pre-application Review. For all proposed subdivisions, a subdivider may schedule a pre-application meeting with the Community Development Department. The purpose of the meeting is to assist the subdivider by discussing in general terms the City's requirements for a proposed subdivision, and to identify any major impediments to the subdivision's approval as proposed. A conceptual illustration and narrative shall be submitted to the City prior to the meeting. This submission is not a land use application. The City makes no commitments, grants no approvals, makes no appealable decisions, and vests no rights during this review.

(3) Land Use Application.

(a) The subdivider seeking preliminary subdivision approval shall submit a preliminary subdivision application. The application shall comply with all City land use, density, and configuration requirements of the General Plan and this Code.

(b) A complete preliminary subdivision land use application shall include the following:

(i) an application on an approved City preliminary subdivision application form;

(ii) all data and information listed on the City preliminary subdivision application checklist;

(iii) a preliminary subdivision plat, not to be recorded, containing the information and formatting required by this Chapter and by the preliminary subdivision checklist;

(iv) payment of the preliminary subdivision review fee, water modeling fee, and sewer modeling fee; and,

(v) evidence that the subdivider owns or has the ability to acquire municipal water rights sufficient for the development and construction of the subdivision.

(4) Land Use Authority.

(a) The land use authority for a preliminary subdivision application shall be the Tooele City Planning Commission.

(b) Prior to Planning Commission review, the applicant shall deliver copies of the proposed preliminary subdivision plat to the Community Development Department that demonstrates a signed review by, and any comments from, the Tooele Post Office, Tooele County School District, County Surveyor, County Recorder, Health Department, and all non-City utilities anticipated to provide utility service to the subdivision.

(c) A preliminary subdivision application complying with all Tooele City regulations shall be approved. Any application not complying with all City regulations may not be approved.

(d) The Planning Commission chair shall sign the approved preliminary subdivision plat, except that if the chair voted against approval, the senior approving member shall sign the plat.

(5) Duration of approval – extension – phasing.

(a) Approval of the preliminary subdivision shall be effective for a maximum period of one year unless, prior to the one-year period lapsing, the Planning Commission grants an extension in a public meeting, not to exceed six months, upon written request and payment of an extension review fee by the subdivider. If a complete application for final subdivision approval is not submitted to the Community Development Department prior to the expiration of the one-year period, plus any extension, which begins to run from the date that the preliminary subdivision is approved by the Planning Commission, the approval of the preliminary subdivision shall lapse automatically and shall be void and of no further force or effect. Thereafter, the subdivider must submit a new preliminary subdivision application, including the payment of all fees.

(b) Where a preliminary subdivision contemplates more than one final subdivision phase, the subdivider shall submit a completed final subdivision application for a second or subsequent phase within the scope of the same preliminary subdivision within two years of acceptance of public improvements from the previous final subdivision phase. Prior to the two years expiring, the land use authority may grant an extension in a public meeting, not to exceed six months, upon written request of the subdivider and payment of the extension review fee. Failure to timely submit the second or subsequent final subdivision application shall cause the approval for all un-platted portions of the preliminary subdivision to automatically lapse and expire and become of no further force or effect. Thereafter, the subdivider must submit a new preliminary subdivision land use application, including the payment of all fees.

(6) Appeal Authority. The appeal authority for the preliminary subdivision decisions of the Planning Commission shall be a three-person committee selected by the Community Development Director and Public Works Director, with committee members possessing qualifications relevant to the preliminary subdivision purpose and scope identified in this Section. A unanimous decision is not required. Approval requires the signatures of any two of the three committee members. Appeal procedures shall be those contained in Chapter 1-28 of this Code.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1998-17, 07-01-1998) (Ord. 1977-18, 10-19-1977)

7-19-9. Plats and data for approval of preliminary plan. (Repealed.)

(Ord. 2023-43, 12-20-2023) (Ord. 2021-03, 01-20-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

(Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998)

7-19-10. Procedure for approval of the final subdivision.

(1) Purpose and Scope. The purpose of the final subdivision application and review is to verify that the application complies with all City regulations for the subdivision of land. The scope of the final subdivision review shall include all those technical, engineering, design, construction, and other details necessary for recordation of the final subdivision plat and construction of the platted subdivision. All application requirements are intended to address that scope.

(2) Conformity to preliminary subdivision. The final subdivision shall conform substantially to the uses, densities, and configurations of the approved preliminary subdivision. Substantial nonconformity shall include increases in density of five percent or more, changes in use requiring a change of zoning, and any substantial reconfiguration of public streets.

(3) Phasing. The final subdivision may constitute only that portion of the approved preliminary subdivision which the subdivider proposes to record and construct as a single development project. For purposes of this Section, the word "construct" shall refer to the construction of public improvements and not of structures for occupancy.

(4) Land Use Application.

(a) The subdivider seeking final subdivision approval shall submit a final subdivision application. The application shall comply with all City requirements of this Code for the subdivision and development of land.

(b) A complete final subdivision application shall include the following:

(i) an application on an approved City final subdivision application form;

(ii) all data and information listed on the City final subdivision application checklist;

(iii) the payment of final subdivision review fees; and,

(iv) evidence that the subdivider owns municipal water rights sufficient for the development and construction of the subdivision.

(5) Land Use Authority.

(a) The land use authority for approval of a final subdivision shall be a three-person committee consisting of the Community Development Director, the Public Works Director, and the City Engineer. The approving signatures of at least two members of the land use authority shall be required to approve a final subdivision.

(b) Any final subdivision application complying with all Tooele City regulations shall be approved. Any application not complying with all City regulations may not be approved.

(6) Duration of approval – extension. Each approved final subdivision shall have the durations of approval described in Section 7-19-8 (Procedure for approval of the preliminary subdivision).

(7) Plat signatures. Upon approval of the final subdivision by the land use authority, and delivery of the final subdivision plat mylar to the Community Development Department, the Department shall secure the final subdivision plat mylar signatures of the land use authority.

(8) Plat Recordation – deadline – revocation – costs.

(a) The subdivider shall deliver to the City the fully executed final subdivision plat mylar within 90 days of final subdivision approval. Failure of the subdivider to fully execute the final plat mylar, or to deliver the fully executed final plat mylar to the City, within the specified 90 days, shall result in the automatic revocation of, and shall void, the final subdivision approval.

(b) No changes to the approved final subdivision plat mylar may be made without the written approval of the City.

(c) Tooele City shall promptly record an approved, fully-executed final subdivision plat mylar with the Tooele County Recorder upon the occurrence of the following:

(i) a statement from the subdivider of desired timing for recording the plat;

(ii) execution of a bond agreement, as applicable, pursuant to Section 7-19-12, above;

(iii) payment of all fees associated with the recordation of the final subdivision plat mylar;

(iv) conveyance of water rights pursuant to Chapter 7-26; and,

(v) all City signatures on the final subdivision plat mylar.

(9) Appeal Authority. The appeal authority for appeals from final subdivision decisions shall be a three-person committee consisting of a licensed Utah engineer selected by the City, a licensed Utah engineer selected by the subdivider, and a third licensed Utah engineer selected by the first two. A unanimous decision is not required. Approval requires the signatures of any two of the three committee engineers. Appeal procedures shall be those contained in Chapter 1-28 of this Code.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 2004-02, 01-07-04) (Ord. 1998-35, 10-07-1998) (Ord. 1998-16, 07-01-1998) (Ord. 1978-28, 11-21-1978) (Ord. 1977-18, 10-19-1977)

7-19-11. Plats, plans, and data for final approval. (Repealed.)

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1993-04, 05-04-1993)

7-19-12. Public Improvements – bonds and bond agreements – warranty.

Public improvements shall be completed pursuant to the following procedure:

(1) As part of the final subdivision application review, the subdivider shall submit plans and specifications for all public improvements to the Community Development Department.

(2) No public improvements may be constructed prior to final subdivision approval.

(3) All public improvements shall be completed within one year from the date of final subdivision approval. The final subdivision land use authority may grant a maximum of two six-month extensions upon receipt of a written petition and payment of an extension review fee, and upon a finding of unusual circumstances. Petitions for extension must be filed with the Community Development Department prior to expiration of the one-year period, if no extension has been approved, or of an approved six-month extension. If the public improvements are not completed with the time allowed under this Section, further final subdivisions may not be approved within the preliminary subdivision in which the public improvements are incomplete. When the public improvements have been 100% completed and accepted within the final subdivision, another final subdivision for another phase within the same preliminary subdivision may be requested.

(4) (a) Except as provided below, all public improvements associated with a final subdivision must be completed, inspected, and accepted pursuant to Section 7-19-32 prior to the recordation of that final subdivision plat.

(b) A final subdivision plat mylar may be recorded prior to the completion, inspection, and acceptance of the final subdivision's public improvements where the subdivider submits a bond and executes a bond agreement compliant with this Section. The purpose of the bond and bond agreement is to insure timely and correct construction of all public improvements required in the subdivision, and to warrant their construction.

(c) Where public improvements are constructed prior to plat recordation, without a bond and bond agreement, under no circumstances may they be connected to the City's existing water distribution, sewer collection, storm drain collection, and streets systems located within City rights-of-way or easements without bonding under this Section for the connections.

(5) Bond agreements shall be in the form and contain the provisions approved by the City Attorney. The agreement must be signed by the Mayor and the City Attorney. The agreement must include, without limitation, the following:

(a) Incorporation by reference of the final subdivision documents, including the final subdivision plat, public improvements plans and specifications, and all data required by this Chapter which are used by the City Engineer to review the cost estimate for the public improvements construction.

(b) Incorporation by exhibit of the City Engineer's approved estimate of the cost of the public improvements construction.

(c) Completion of the public improvements within the period of time described in this Section.

(d) Completion of the public improvements in accordance with the final subdivision approval, City standards and specifications, and the approved engineering plans and specifications associated with the final subdivision.

(e) Establishment of the bond amount. The bond amount shall include the following:

(i) the subdivider design engineer's estimated cost of the public improvements to be constructed, as reviewed and approved by the City Engineer or designee; and,

(ii) a reasonable contingency of 10% of the estimated cost, intended to cover the costs of inflation and unforeseen conditions or other circumstances should the City need to complete the public improvements under the terms of the bond agreement.

(f) The City shall have exclusive control over the bond proceeds, which may be released to the subdivider only upon written approval of the City Attorney.

(g) The bond proceeds may be reduced upon written request of the subdivider as whole systems of improvements (e.g., sidewalks) are installed and upon approval by City inspectors on a Certificate of System Completion for Bond Reduction with a City inspection report form. The amount of the reduction shall be determined by reference to the cost estimate attached to the bond agreement, with assistance from the City Engineer, as necessary. Such requests may be made only once every 30 days. All reductions shall be by the written authorization of the City Attorney.

(h) Bond proceeds may be reduced by no more than 90% of the total bond amount, the remaining 10% being retained to guarantee the warranty and maintenance of the improvements as provided in this Section and Section 7-19-32. Any bond amount reduction shall not be deemed an indication of public improvement acceptance.

(i) If the bond proceeds are inadequate to pay the cost of the completion of the public improvements, for whatever reason, including previous bond reductions, the subdivider shall be responsible for the deficiency. Until the public improvements are completed or, with City Attorney approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:

(i) no further final subdivisions may be approved within the preliminary subdivision or project area in which the improvements are to be located; and,

(ii) no further building permits shall be approved in the subdivision.

(j) If the bond proceeds are not transferred to the City within 30 days of the City's written demand, the City's

costs of obtaining the proceeds, including the City Attorney's Office costs and any outside attorney's fees and costs, shall be deducted from the bond proceeds.

(k) The subdivider agrees to indemnify and hold the City harmless from any and all liability and defense costs which may arise as a result of those public improvements which are installed until such time as the City accepts the public improvements as provided in Section 7-19-32.

(6) Bond agreements shall be one of the following types:

(a) An irrevocable letter of credit with a financial institution federally or state insured, upon a current standard letter of credit form, or including all information contained in the current standard letter of credit form.

(b) A cashier's check or a money market certificate made payable only to Tooele City Corporation.

(c) A guaranteed escrow account from a federally or state insured financial institution, containing an institution guarantee.

(7) Warranty.

(a) The subdivider shall warrant and be responsible for the maintenance of all improvements for one year following their acceptance, and shall guarantee such warranty and maintenance in the above-described bond agreements. The City may extend the warranty period upon a determination of good cause that the one-year period is either inadequate to reveal public improvement deficiencies anticipated based on known substandard materials or construction, or inadequate to protect the public health and safety.

(b) The one-year warranty period shall commence on the date of a Certificate of Completion and Acceptance signed by the following:

(i) Mayor;

(ii) Director of Public Works or designee;

(iii) Director of Community Development or designee; and,

(iv) City inspector responsible for inspecting the warranted public improvements.

(c) A Certificate of Completion and Acceptance shall not be deemed an acceptance of defects in materials or workmanship that are determined to exist in the public improvements before the end of the one-year warranty period. Written notice to the subdivider of the defects, delivered prior to the end of the warranty period, shall operate to extend the warranty period until the defects are corrected or resolved.

(d) The one-year warranty period will be considered successfully concluded only upon the occurrence of the following:

(i) an end-of-warranty inspection signed by a City inspector indicating that the public improvements are free of defects in materials and workmanship; and,

(ii) the signature of the Public Works Director on an End-of-Warranty Certificate.

(8) The final subdivision applications for two or more final subdivision phases may be approved, and the entirety of the property within those phases developed, simultaneously where all public improvements associated with the subdivisions are bonded for and constructed as if they were one phase. An application for final subdivision approval of multiple phases shown on the approved preliminary subdivision may also be approved under a single application when the final subdivision reflects all requested phases as a single phase in the overall configuration of the approved preliminary subdivision.

(9) The subdivider's bond in no way excuses or replaces the obligation to complete public improvement construction as required in this Section. Nothing in this Section shall require the City to liquidate bonds, spend bond proceeds, or complete public improvements. Any undertaking on the part of the City to liquidate a bond, spend bond proceeds, or complete public improvements shall not relieve the subdivider of the consequences of non-completion of public improvements.

(10) The City Attorney may sign the final subdivision plat mylar upon 100% of the public improvements being completed and/or bonded in accordance with this Section, and with the warranty bond amount received.

(Ord. 2023-43, 12-20-2023) (Ord. 2021-11, 05-05-2021) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2013-10, 06-05-2013) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 2000-24, 12-06-2000) (Ord. 1998-21, 07-01-1998) (Ord. 1996-26, 12-04-1996) (Ord. 1977-18, 10-19-1977)

7-19-13. Applications for Reimbursement.

(1) Definitions. All words and phrases in this Section beginning in capital letters shall have the meanings given them in Tooele City Code Section 7-1-5.

(2) Application for Reimbursement. Developers required to install Eligible Public Improvements may be entitled to reimbursement pursuant to this Section, provided that:

(a) the Construction Costs of the Eligible Public Improvements required by the City as a condition of development approval exceeds the Construction Cost of the City's required minimum standards and specifications for the Eligible Public Improvements by 10% or more; and,

(b) the Cost Differential exceeds $5,000; and

(c) the Eligible Public Improvements are constructed within the Tooele City Corporate Limit; and

(d) the Subsequent Developer's development receives City approval within eight years from the date of City approval of the development for which the Eligible Public Improvements were required; and,

(e) the Prior Developer files an Application for Reimbursement in the office of the Director of Public Works or City Engineer.

(3) Application for Reimbursement.

(a) Developers satisfying the above criteria may apply for reimbursement for recovery of a pro-rata share of

the Cost Differential, minus the Depreciation Value, from a Subsequent Developer to the extent that the Subsequent Developer did not share in the Construction Cost of the Eligible Public Improvements.

(b) Notwithstanding other provisions of this Section to the contrary, subdivisions of ten lots or less, or single-lot developments, that are required by the City to fully improve a road right-of-way (i.e. road base, road surface, curb, gutter) are eligible to apply for and receive reimbursement for the Construction Cost of that portion of the road improvements that directly benefit subsequent development located adjacent to the road improvements, minus the Depreciation Value.

(4) The Application for Reimbursement shall be made on a form approved by the City Attorney, and shall include the following information:

(a) a brief description of the Eligible Public Improvements which may directly benefit future development; and,

(b) an engineer's written estimate of the Construction Cost of the Eligible Public Improvements, or an affidavit of the actual Construction Cost of the Eligible Public Improvements plus copies of receipts and paid invoices. Both the estimated and /or actual Construction Cost must be approved by the Director of Public Works or City Engineer.

(5) An Application for Reimbursement is not retroactive and may not seek reimbursement for uses or land development activities which exist as of, or have been approved by the City Council prior to, the effective date of the Application for Reimbursement.

(6) After an Application for Reimbursement is filed, the Prior Developer shall be under an affirmative duty to deliver to the City written notice of the identity of any development which the Prior Developer has knowledge or reason to believe will benefit from Public Improvements installed by the Prior Developer, and whether and to what extent the Subsequent Developer should share in the Cost Differential. The notice must be delivered to the Public Works Director or City Engineer prior to or with the benefitting development's final subdivision plat application or, in the case of a site plan, prior to the issuance of a building permit.

(7) When the Prior Developer has complied with the provisions of this Section, the City will make a reasonable effort to collect the Subsequent Developer's pro-rata share of the Cost Differential, minus the Depreciation Value, on behalf of the Prior Developer.

(8) Before making any payments to the Prior Developer pursuant to this Section, the City shall retain from amounts collected from a Subsequent Developer an administrative fee in the amount of 10% of said amounts collected, with a minimum administrative fee of $100.

(9) Before making any payments to the Prior Developer pursuant to this Section, the City shall make a determination whether the Prior Developer has any outstanding financial obligations towards, or debts owing to, the City. Any such obligations or debts, adequately documented, shall be satisfied prior to making payment to the Prior Developer, and may be satisfied utilizing amounts collected by the City on behalf of the Prior Developer pursuant to a Reimbursement Application.

(10) The City reserves the right to refuse any incomplete Application for Reimbursement. All completed Applications for Reimbursement shall be made on the basis that the Prior Developer releases and waives any claims against the City in connection with establishing and enforcing reimbursement procedures and collections.

(11) The City shall not be responsible for locating any beneficiary, survivor, assign, or other successor in interest entitled to reimbursement. Any collected funds unclaimed after one year from the expiration of the Application for Reimbursement shall be returned to the Subsequent Developer from which the funds were collected minus the City administration fee. Any funds undeliverable to a Prior Developer, or to a Subsequent Developer from which the funds were collected, whichever the case, shall be credited to the City enterprise fund corresponding to the Eligible Public Improvements for which the funds were collected, as determined by the Finance Director.

(12) Political subdivisions of the state of Utah (e.g. Tooele City Corporation) that construct Eligible Public Improvements shall be considered Prior Developers for purposes of this title, and may file Reimbursement Applications and receive reimbursement under the provisions of this Chapter.

(13) Public Improvements required as a condition of annexation are not eligible for reimbursement pursuant to this Section.

(14) All City development approvals, including, but not limited to, subdivisions and site plans, shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with this Section.

(15) A Subsequent Developer may protest in writing the assertion of a Prior Developer that the Subsequent Developer will benefit from Eligible Public Improvements constructed by the Prior Developer. Protests should be delivered to the Public Works Director or City Engineer, and must include documentation sufficient to demonstrate that the Subsequent Developer's development will derive no benefit, or a lesser benefit than asserted, from the Prior Developer's Eligible Public Improvements. The Public Works Director or City Engineer will decide the matter, whose decision shall be final.

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2005-06, 05-18-2005) (Ord. 1999-35, 12-01-1999) (Ord. 1998-35, 10-07-1998) (Ord. 1997-13, 04-02-1997)

7-19-14. Failure to act – effect.

(1) City. Should the land use authority fail to act upon any preliminary or final subdivision application within the

time periods established by State law, the application shall be deemed denied.

(2) Application. Should the applicant for any preliminary or final subdivision application fail to resubmit corrected plans or application materials from any City review of the application within 180 calendar days from the return of that City review, the application shall be deemed abandoned and lapsed for lack of diligence. Prior to an application being deemed abandoned, the Community Development Department shall provide to the applicant a notice of potential abandonment at least 30 calendar days prior to abandonment. Following abandonment, the City shall determine the expended portion of fees paid through all efforts involved with the application up to and including the process of abandonment. All unexpended application fees will be refunded to the applicant. For the purpose of entitlements by this Chapter, abandoned applications shall be considered as if having never been submitted for review. An abandoned application may be resubmitted as a new application at any time following abandonment, including the payment of new application fees and a complete new package of application materials, and shall be subject to all regulations and requirements applicable on the date of the new application submission.

(Ord. 2023-43, 12-20-2023) (Ord. 2021-02, 01-20-2021) (Ord. 2020-05, 04-01-2020) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-15. Phased development.

Each final subdivision within a preliminary subdivision or project area shall be considered a phase of the preliminary subdivision and shall be developed in a logical and orderly manner based on the subdivision's uses, densities, configuration, and utility systems. All phases shall be contiguous, so that all public improvements shall be contiguous and continuous from their point of beginning in the development throughout the balance of the development.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-16. Design standards. (Repealed.)

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-17. Streets.

(1) The arrangement of streets in a new development shall provide for the continuation of existing streets in adjoining areas at the same or greater widths, unless altered by the Planning Commission, as the preliminary subdivision land use authority, upon the positive recommendation of the Directors of the Community Development and Public Works Departments. All streets shall comply with this Section and with the provisions of Title 4 Chapter 8 of the Tooele City Code and the current Tooele City Transportation Master Plan, including the Tooele City Transportation Right-of-Way Master Plan.

(2) An exception to the general rule for road cross sections or right-of-way improvements required by Title 4 Chapter 8 of the Tooele City Code may be granted by the Planning Commission, as the preliminary subdivision land use authority, for major collector or arterial streets adjacent to the proposed subdivision. Streets of lesser classification, and streets interior to a subdivision or between phases of a subdivision, may not be excepted. In no case may the pavement width of an excepted street be less than 30 feet. Exception requests must be submitted in writing to the Directors of the Community Development and Public Works Departments prior to the Planning Commission's review of the preliminary subdivision. The Directors shall provide a written recommendation on the exception request to the Planning Commission for its review with the preliminary subdivision application. The recommendation may be based on a professional traffic study. Any exception shall be based on the following factors:

(a) the overall safety of the area for transit, vehicular, bicycle, and pedestrian traffic, including crossings of the road or right-of-way;

(b) existing transit, vehicular, bicycle, and pedestrian traffic in the area;

(c) anticipated transit, vehicular, bicycle, and pedestrian traffic impacts from the proposed subdivision on the existing traffic loads of the area;

(d) the ability for existing right-of-way improvements to accommodate anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(e) the degree to which the exception would prevent completion or connection to other right-of-way improvements in the area;

(f) existing right-of-way improvements in the area;

(g) the degree to which the rights-of-way leading to and from the area requested for exception have been developed and completed;

(h) the mechanisms, proposals submitted, and timing by which the excepted improvements will be completed in the future;

(i) the degree to which the entirety of the rights-of-way have been dedicated and improved outside of the area requested for an exception;

(j) land uses in the area, including but not limited to schools, recreational opportunities, and public facilities, that may have the potential to affect the existing improvements' ability to accommodate all anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(k) phasing and a phasing schedule for the proposed subdivision;

(l) any development agreement with terms affecting right-of-way improvements duly executed by the Mayor for the exception-requesting subdivision or other developments in the area; and,

(m) documented history of vehicle-vehicle, vehicle-bicycle, and vehicle-pedestrian conflicts and accidents.

(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2008-13, 11-05-08) (Am. Ord. 1998-32, 10-07-1998) (Ord. 1998-25, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-17.1. Double-frontage lots – definitions – design – maintenance.

(1) Definitions. For purposes of this Section, the following terms shall be defined as follows.

(a) Double-frontage lot: a residential lot that abuts more than one public right-of-way or private road on opposite sides of the lot. "Double-frontage lot" includes corner lots adjacent to other double-frontage lots. "Double-frontage lot" does not include lots whose secondary frontages are on roads that are designated as alleys that do not require sidewalk access and that serve primarily as private access to the rear of lots.

(b) Primary frontage: the portion of a residential lot abutting a public right-of-way or private road that contains the main pedestrian entry to a residence.

(c) Secondary frontage: the portion of a residential lot abutting a public right-of-way or private street that is not the principle frontage.

(2) Design Standards. The secondary frontage of any double-frontage lot shall include the following design elements located within the public right-of-way or private street.

(a) Park strip. The park strip located between the curb and the sidewalk shall be of colored, texture-stamped concrete, which shall differ in color and texture from the adjacent sidewalk.

(i) The concrete color shall be of earth-tones, to include tan, light brown, beige, and similar colors, but shall not include yellow, pink, blue, green, and similar bright colors.

(ii) The concrete texture shall simulate cobblestone, variegated slate squares and rectangles, brick, or similar pattern.

(iii) The park strip concrete thickness shall be a minimum of four inches.

(iv) The park strip shall contain a decorative metal grate around each park strip tree. The grate shall be chosen from a list of City-approved grate types, the list being on file with the Public Works Department.

(b) Park strip trees. Trees shall be planted in the park strip as follows.

(i) Park strip trees shall be chosen from the Tooele City Street Tree Selection Guide.

(ii) Park strip trees shall be spaced not more than 40 feet apart and not less than 30 feet apart, or as called for in the Tooele City Street Tree Selection Guide.

(iii) Park strip tree size, bonding, and other details not address in this Section shall be as provided in Tooele City Code Sections 4-11a-2 and 7-19-26, as amended.

(iv) The park strip shall include an irrigation system for park strip tree irrigation. The underground piping shall be placed within conduit located beneath the park strip. The irrigation system shall include meters, meter vaults, power, valve boxes, irrigation heads, and other necessary components to provide a fully functioning irrigation system. Irrigation to park strip trees shall be a drip-style irrigation system.

(c) Sidewalk. Sidewalk shall be as required by Tooele City Code and Policy.

(d) Fencing wall. The secondary frontage shall be fenced and screened with a masonry wall possessing the following design elements.

(i) The wall shall be six feet in height except as required under Tooele City Code Section 7-2-11 Clear vision area at intersecting streets.

(ii) The wall materials shall be masonry block or prefabricated decorative masonry panels chosen from a list of City-approved wall material types, the list being on file with the Public Works Department. The wall shall be uniform within each subdivision phase.

(iii) The wall shall include capped pillars spaced at even intervals, not to exceed 20 feet. The pillar materials shall be similar to those comprising the wall.

(iv) No portion of the wall shall contain cinderblock, smooth-faced block, or cast-in-place concrete.

(v) All fencing walls shall receive a City-approved anti-graffiti seal coat upon their construction and prior to acceptance by the City.

(e) Gates. Gates in the fencing wall or otherwise accessing the secondary frontage shall not be allowed.

(f) Special Service District Standards. Where a double-frontage lot is included in an existing special service district that imposes its own design standards for double frontage lots, the district design standards shall apply.

(g) The final determination of whether an application complies with the design standards of this Section shall be made by the City Planner. The determination is appealable to the Community Development Director.

(3) Bonding. Park strips, park strip trees, park strip irrigation systems, and fencing walls discussed in this Section shall be included in the definition of public improvements. As such, they shall be bonded for in the manner provided in Tooele City Code Section 7-19-12, as amended, except that park strip trees shall be bonded for in the manner provided in Tooele City Code Chapter 4-11a, as amended.

(4) Maintenance. Because of the added burdens upon the City caused by double-frontage lots, and because residents are disinclined to maintain the secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be

maintained as follows.

(a) Home Owners Association. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to form and fund a home owners association (HOA). At a minimum, the HOA shall maintain and perform at its cost, for the life of the HOA, the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal. The HOA articles shall provide for a minimum HOA existence of 30 years.

(b) Covenants, Conditions, and Restrictions. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to record against all lots within the subdivision covenants, conditions, and restriction (CCRs). A copy of the recorded CCRs will be provided to the City. At a minimum, the CCRs shall provide for the perpetual maintenance and maintenance funding of the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal.

(c) If the HOA fails to enforce the CCRs pertaining to maintenance and maintenance funding for a period of three months or more, the City may bring an action in court to compel the HOA to fund and perform its maintenance obligations.

(d) Special Service District Maintenance. Where a double-frontage lot is included in an existing special service district that maintains some or all of the public improvements adjacent to a secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained in perpetuity by the district.

(Ord. 2023-43, 12-20-2023) (Ord. 2023-22, 06-07-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2008-04, 11-05-2008)

7-19-18. Easements.

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities, except where deemed unnecessary, and shall be at least ten feet wide.

(2) Easements shall be designed to provide continuity from block to block.

(3) Where subdivisions and/or parcels abut a watercourse, drainage way, channel, or stream, storm water easements or drainage rights-of-way shall be provided.

(4) Obtaining new easements or preserving existing easements shall be a requirement of all boundary line adjustments under this Chapter.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-19. Blocks.

Subdividers shall adhere to the provisions of Title 4 Chapter 8 of the Tooele City Code regarding blocks.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20. Lots.

(1) The lot dimensions and layouts shall conform to the requirements of this Title.

(2) Lots abutting a watercourse, drainage way, channel or stream shall have a minimum width or depth, as required, to provide an adequate building site and to afford the minimum usable area required by ordinance for front, side, and rear yards.

(3) All corner lots shall be sufficiently larger than others so as to allow for building set-back lines on both streets as provided in Section 7-6-6 of the Tooele City Code.

(4) All lots shall abut on an adequate public or private access, as approved by the City Engineer, Public Works Director, or Community Development Director.

(5) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation or residential development from highways or primary thoroughfares or to overcome specific disadvantages of topography and orientation.

(6) Side lot lines shall be substantially at right angles or radial to street lines.

(7) See also the lot standards contained in Chapter 7-2 of this Code.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2003-05, 06-04-2003) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20.1. Flag Lots.

(1) Flag or L-shaped lots (hereinafter "flag lots") may be allowed in certain locations to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other ordinances adopted by the City. The primary purpose of this Chapter is not to make development of property easier. Rather, it is to serve as a "last resort" for property for which there is no other reasonable way to develop.

(2) Flag Lots. In order to encourage the more efficient use of land, flag lots are allowed subject to the following conditions:

(a) A flag lot shall be comprised of a staff portion contiguous with the flag portion thereof (hereinafter the "staff" and "flag", respectively).

(b) The staff shall intersect with and be contiguous to a dedicated public street. The minimum paved width of the staff portion of flag lots shall be 20 feet where the maximum staff length is less than 150 feet, and 26 feet where the staff length is greater than 150 feet but less than 220 feet maximum, unless otherwise approved by the Planning Commission and fire department upon a showing of unusual circumstances.

(c) The staff shall be improved with concrete or asphalt surface capable of supporting the weight of the City's fire fighting apparatus.

(d) No structures, trees, parked vehicles or stored materials shall be allowed within the Fire Access Restricted

Area, and the staff shall be marked with "No Parking" signs.

(e) The front side of the flag shall be deemed to be that side nearest to the dedicated public street upon which the staff portion intersects.

(f) The staff shall be deemed to end and the flag shall be deemed to commence at the extension of the front lot line across the staff.

(g) The flag square footage shall be the same or greater than the minimum square footage as required in the underlying zone, exclusive of the staff.

(h) The minimum front setback for all building shall be 30 feet, excluding the staff, from the front lot line of the flag. All other setbacks shall be those of the underlying zone.

(i) The building setbacks shall provide 20-foot minimum vehicle parking in front of the garage, exclusive of the Fire Access Restricted Area.

(j) No more than two flag lots may be served by one staff.

(k) Except in In-Fill Geographic Areas A and B, no more than two flag lots may be contiguous to each other where the common or separate staffs connect to the same public street.

(l) No staff may be contiguous to another staff.

(m) Figures 1 and 2 are examples of "flag lot" requirements and are included herein for illustration purposes.

(n) A fire hydrant shall be installed at the public ROW portion of the staff, unless otherwise approved by the Fire Department.

(o) A turn-around must be provided at the flag portion of the lot where the staff length exceeds 150 feet. Hammerheads are acceptable with a minimum width of 20 feet, without parking within 60 feet of the staff. The turning radius on any hammerhead shall not be less than 28 feet. Figure 3 is included to illustrate the hammerhead requirements.

(p) A maximum slope of 10% shall be allowed within the staff portion of the flag lot and 4% within the turn-around portion of the Fire Access Restricted Area.

(q) All provisions of the currently applicable fire code shall be met, particularly those regarding the distance a primary structure can be located from a fire hydrant, and fire apparatus access ways and turnarounds.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2009-07, 04-01-2009)

FIGURE 1
(Staff Length < 150')

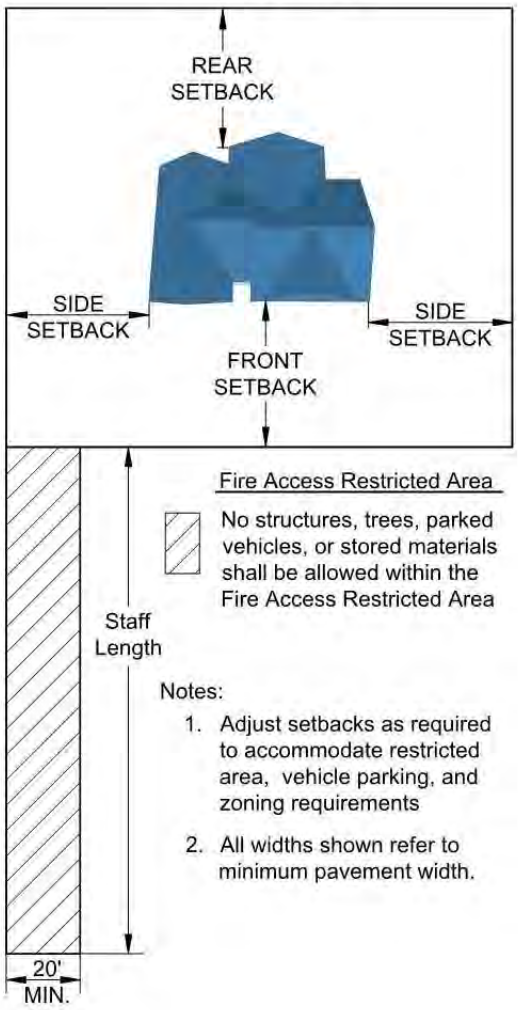


FIGURE 2
(150' < Staff Length < 220' max.)

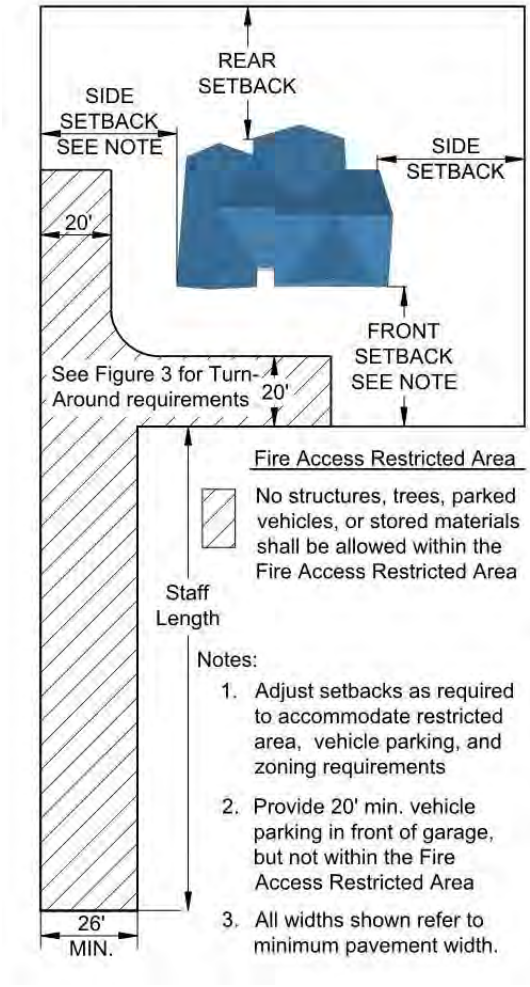
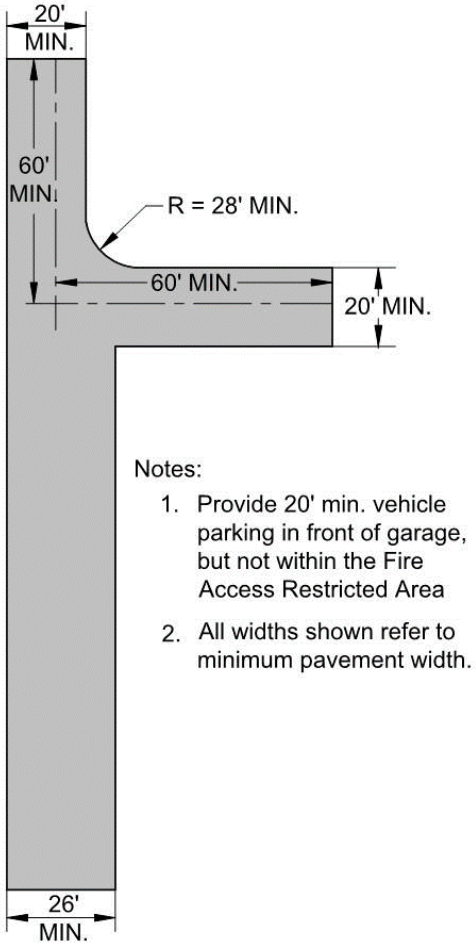


FIGURE 3
Flag Lot Turn-Around Dimensions



7-19-21. Required land improvements. (Repealed.)
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-22. Street signs. (Repealed.)
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-23. Monuments and markers.

Monuments shall be placed at all corners and angle points of the outside boundary but not farther than one-quarter mile apart. The monuments shall be of concrete, not copper dowel, three inches long cast in place. Iron pipe or steel bars not less than one-half inch in diameter and 24 inches long shall be set at the intersection of street center lines and at all corners of lots not marked by monuments. The monuments and markers shall be set level with the finished grade.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-24. Public utilities.

(1) All subdividers shall provide detailed utility plans showing all existing and proposed utilities within and serving the subdivision.

(2) All utility facilities for telephone, electricity, cable television, natural gas service, street lights, and other utilities shall be placed entirely underground throughout areas of existing, proposed, or anticipated subdivision.

(3) All transformer boxes and pumping facilities shall be located so as to minimize harm to the public.

(4) Utility lines shall be parallel to and not less than 12 inches from the property lines.
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-25. Sidewalks required - Specifications. (Repealed.)
(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-26. Park Strip Landscaping in Commercial, Light Industrial and Industrial Service zoned Subdivisions.

(1) All park strip areas in commercial and industrial subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall be landscaped and perpetually maintained by the owner of the appurtenant property with low or no water use materials and plantings with drip-style irrigation systems for trees and where irrigation is necessary. The use of seeded or sodded lawn grasses in park strips areas of non-residential subdivisions shall be prohibited. The decorative aesthetic or appearance of lawn grass may be accomplished through the use of artificial turf.

(2) (a) The commercial or industrial subdivision developer shall be responsible for the cost of purchasing and planting trees on both sides of all proposed subdivision streets within all park strip areas, except where there are existing trees acceptable to the Director of the Parks and Recreation Department. Newly planted trees shall not be farther apart than 35 feet. Trees planted in park strip areas shall be of a type listed in the Tooele City Street Tree Selection Guide. Newly planted trees shall not be less than two inches in caliper, measured one foot from the ground, and shall not be shorter than eight feet in height. Trees shall be planted during a season of the year when it reasonably can be expected that they will survive. In no case shall trees be planted sooner than seven days prior to the issuance of an occupancy permit for any structure on the property appurtenant to the park strip.

(b) Commercial or industrial subdivision developers shall do one of the following to ensure compliance with the park strip tree requirement:

(i) post a bond in accordance with the provisions of Section 7-19-12 of the Tooele City Code, in the amount of $200 per required park strip tree; or

(ii) make a non-refundable payment to Tooele City in the amount of $200 per required tree, which shall be used by the Director of the Parks and Recreation Department to plant trees within the park strips of the subdivision.

(3) Protective screen planting may be required to secure a reasonably effective physical barrier between residential properties and adjoining uses which minimizes adverse visual, auditory, and other conditions. The screen planting plan shall be approved by the land use authority upon the recommendation of the Community Development and Parks and Recreation Departments.
(Ord. 2024-29, 10-16-2024) (Ord. 2023-43, 12-20-2023) (Ord. 2023-22, 06-07-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-10) (Ord. 2005-03, 02-02-05) (Ord. 2000-10, 06-21-2000) (Ord. 1998-26, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)
(Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-26.1. Park Strip Landscaping in Industrial Subdivisions.

All Properties located within the Industrial zoning district shall be exempt from all landscaping requirements provided the following are completed:

(i) All areas disturbed by construction shall be reclaimed with a seed mixture composed of native Utah grasses and shrubs.

(ii) A disturbed area reclamation plan is provided in lieu of a landscape and irrigation plan during the site plan review process.
(Ord. 2024-29, 10-16-2024)

7-19-27. Sanitary sewers.

Sanitary sewers and service laterals shall be installed to serve all properties and lots in the subdivision, including properties reserved for public use or purchase. The provisions of Title 8 of the Tooele City Code, shall apply to the installation design and construction of all sanitary sewers and service laterals in subdivisions.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-28. Engineering specifications.

The owner or subdivider shall install sanitary sewers, water supply system, right-of-way improvements, crosswalks, public utilities, and street lighting in accordance with applicable ordinances, standards, and specifications for construction in the City.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-29. Water service.

(1) The provisions of Title 9 Chapter 4 of the Tooele City Code, shall apply regarding all pipes, service laterals and appurtenances provided in a subdivision.

(2) All lots and properties including property reserved for public use or purchase shall be supplied with water service sufficient to meet the future anticipated uses of said property.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-01-1988) (Ord. 1977-18, 10-19-1977)

7-19-30. Trench backfill.

All trench work shall conform to the provisions of Title 4 Chapter 9 of the Tooele City Code.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-19, 10-19-1977)

7-19-31. Filing of engineering plans.

One complete set of engineering plans and specifications, as well as an AutoCAD copy, for required land improvements together with an estimate of the cost of

the improvements, said plans and specifications to bear the seal of a Utah registered professional engineer along with a signed statement to the effect that such plans and specifications have been prepared in compliance with this Chapter and pursuant to good engineering practices shall be submitted to the Community Development Department prior to the approval of the final subdivision. Said plans shall be drawn to a minimum horizontal scale of five feet to the inch. Plans shall show profiles of all utility and street improvements with elevations referring to the U.S.G.S. Datum.
(Ord. 2023-43, 12-20-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-32. Acceptance of public improvements.

(1) Public improvements shall be deemed completed and accepted only upon the occurrence of all of the following:

(a) the completion of the construction of all required public improvements, in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications;

(b) the submission to the City Engineer or Public Works Director by the design engineer engaged by the subdivider, builder, or land developer of three certified sets of as-built plans, as well as an AutoCAD copy of such as-built plans associated with the land use application;

(c) a start-of-warranty inspection by a City inspector indicating that the public improvements have been satisfactorily completed in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications; and,

(d) a fully signed Certificate of Completion and Acceptance referencing the completed public improvements.

(2) Completed and accepted public improvements shall not be deemed dedicated or conveyed to the City prior to recordation of the approved final subdivision plat mylar in the office of the Tooele County Recorder.
(Ord. 2023-43, 12-20-2023) (Ord. 2021-11, 05-05-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-33. Building permits.

(1) Except as required by Utah statute, no building permit shall be approved for the construction of any residential building, structure, or improvement to land or to any lot within a residential subdivision as defined herein, which has been approved for platting, until all requirements of this Chapter have been complied with.

(2) The Building Official may approve building permits for noncombustible residential construction when a justification is entered into the City address file. Permits may be issued after the finished street, curb and gutter, and all public improvements and utilities under the street are constructed and have been approved by a qualified City inspector.

(3) A building permit may be issued for noncombustible commercial construction prior to all requirements of this Chapter being completed after all of the following conditions are met:

(a) all public utilities required to be within the road right-of-way have been completed, compacted, tested, inspected, and certified;

(b) the complete width and depth of required road base has been installed, compacted, tested, inspected, and certified to grade, with all test results turned into the Public Works Department;

(c) the developer shall make available tire cleaning areas where the road is accessed; and,

(d) a road width of not less than 28 feet shall be maintained throughout the project until the finished road surface is in place.

(4) Prior to the finished surface being added to the road, a certified geotechnical report shall be obtained from a qualified engineer and turned in to the Public Works Department. The report shall stipulate that the minimum road base is in place, is compacted, is free of contamination, and will support the load for which it was designed.

(5) Notwithstanding Chapter 7-22, herein, under no circumstances will any Certificate of Occupancy be issued for any building, structure, or improvement until all requirements of this Chapter have been complied with, including expressly the requirement to complete all public improvements.

(6) The issuance of a building permit or an occupancy permit within a subdivision shall not be deemed an indication that the public improvements within the subdivision are completed or accepted by the City.
(Ord. 2023-43, 12-20, 2023) (Ord. 2021-11, 05-05-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-17, 06-15-2005) (Ord. 1977-18, 10-19-1977)

7-19-34. Final plat execution, delivery, and recordation. (Repealed.)
(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-35. Minor Subdivision.

(1) A minor subdivision may combine the preliminary subdivision and final subdivision requirements for approval of the subdivision into a single application and review process. A subdivision is considered a minor subdivision and exempt from a separate preliminary subdivision review process if:

(a) it contains no more than six lots;

(b) it does not contain a public right-of-way dedication; and,

(c) it does not involve off-site water or sewer

utilities.

(2) Information normally required as part of the preliminary and final subdivision applications may be required by the Community Development Department as part of a minor subdivision application.

(3) Land use authority. The land use authority for a minor subdivision shall be the same as for a final subdivision.

(4) Appeal authority. The appeal authority for appeals from land use authority decisions on minor subdivisions shall be the same as for a final subdivision.

(Ord. 2025-13, 05-21-2025) (Ord. 2023-43, 12-20, 2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

7-19-36. Effect of revocation and voiding.

Any preliminary or final subdivision approval revoked or rendered void pursuant to the provisions of this Chapter shall cause any new application of approval to be subject to the laws, ordinance, fees, and policies of Tooele City current as of the date of the completed new application.

(Ord. 2023-43, 12-20-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2004-02, 01-07-2004)

CHAPTER 20. CONDOMINIUM APPROVAL PROCEDURE

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7-20-1. Application and scope.

The procedures and requirements of this Chapter shall apply to and govern the processing and requirements for approval of condominium record of survey maps for condominium projects. Said provisions shall supplement zoning, site development, health, building or other ordinances which may be applicable to the particular condominium project, and shall apply to the approval of condominium projects involving new construction as well as projects involving the conversion of existing structures. In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are not contained in existing or proposed buildings shall also be considered subdivisions requiring compliance with applicable provisions of Chapter 19 of this Title as provided under the Condominium Ownership Act of 1975, 57-8-35 U.C.A. (1953), as amended.
(Ord. 1980-24, 06-24-1980)

7-20-2. Definition of terms.

For purposes of this Chapter:

(1) **Code.** "Code" shall mean the provisions and ordinances of the Tooele City Code.

(2) **Common Areas, Space and Facilities.** "Common areas, space and facilities" shall mean the property and improvements of the condominium project or portions thereof conforming to definition set forth in Section 57-8-3, Utah Code Annotated, 1953, as amended.

(3) **Condominium and Condominium Project, and Condominium Unit.** "Condominium," and "condominium project," and "condominium unit" shall mean property or portions thereof conforming to the definitions set forth in Section 57-8-3, Utah Code Annotated, 1953, as amended.

(4) **Condominium Ownership Act of 1975, or "Act".** "Condominium Ownership Act of 1975" or "Act" shall mean theprovisions of Chapter 8 of Title 57 of Utah Code Annotated, as amended in 1975.

(5) **Conversion**. "Conversion" shall mean a proposed change in the type of ownership of a parcel or parcels of land, together with the existing attached structures from single ownership of said parcel such as an apartment house or multi-family dwelling into that defined as a condominium project or other ownership arrangement involving separate ownership of individual units combined with joint collective ownership of common areas, facilities or elements.

(6) **Map.** "Map" shall mean "Record of Survey Map", as defined in Section 57-8-3(18), Utah Code Annotated, 1953, as amended.

(7) **Refurbishing or Renovation.**. Repairs, remodeling, improvements or restoration work, nonstructural in nature, and not required by applicable building codes.

(8) **Unit.** A "Unit" shall mean the physical elements or space or time period of a condominium project which are to be owned or used separately and excludes common areas and facilities as defined in Section 57-8-3, Utah Code Annotated, 1953, as amended.
(Ord. 1987-24, 01-02-1988) (Ord. 1980-24, 06-24-1980)

7-20-3. Purpose.

This chapter is enacted pursuant to the mandate of the State of Utah to establish procedures for the review and approval of condominium projects to insure they comply with applicable ordinances and state laws. Condominium and other similar types of hybrid ownership arrangements mixing individual ownership with collective ownership of common areas represent an increasingly popular response to complex forces at work in our society and community. This type of hybrid ownership also magnifies the impact upon public health, safety and welfare, convenience and life-style when conditions of poor land use or site planning, mismanagement, neglect or deterioration, blight or outdated structural conditions are allowed to occur or continue.

Corrections of building code violations and upgrading of safety or common functional elements of the structure is of prime importance. In addition, conversion of existing apartments or similar multi-family rental dwelling structures into condominiums, have had the effect and increase the potential of displacing long-term residents, especially senior citizens, who face the City's shortage of replacement rental housing. That shortage, combined with

withdrawal of the private sector from the rental market because of conversion, places additional pressure upon the public sector, to which public agencies involved with housing need time to respond. Therefore, it is the purpose of this ordinance to regulate conversion to promote the safety and revitalized use of the City's structures for the benefit of increased home ownership opportunity while attempting to mitigate the human hardship of misplacement by reasonable notice and disclosure requirements.
(Ord. 1980-24, 06-24-1980)

7-20-4. Concept approval - Planning commission.

(1) Prior to submission of any application for approval to the City Engineer as required in 7-20-5, below, the owner or developer of a proposed condominium or condominium conversion project shall submit a drawing or layout of the proposed project to the Planning Commission for concept approval. The Planning Commission shall review the proposed project regarding, but not limited to, the following considerations as applicable to the project:

(a) The site, including size, location, traffic flow, accessibility and neighborhood development;

(b) The proposed land use, including placement of buildings or other improvements, density or intensity of use, common areas and facilities, contouring and landscaping, and internal circulation systems and parking;

(c) Policy considerations, including conformity with the master plan of the City and compliance with other applicable provisions of the City Code, County Regulations and State Laws.

(2) The Planning Commission may, as a condition to granting concept approval impose such reasonable restrictions or additional reasonable requirements relative to the aforementioned considerations as deemed necessary by the Planning Commission depending upon the particular circumstances of any given project.
(Ord. 1980-24, 06-24-1980)

7-20-5. Submission of application.

(1) The owner or developer of a proposed condominium project desiring approval shall file an application with the City Engineer on a form prescribed by the City together with:

(a) Two (2) copies of the proposed Map accurately drawn to scale, as required by Section 57-8-13, U.C.A., 1953, as amended, which shall be made by a registered Utah land surveyor using scale no smaller than one inch (1") to equal forty feet (40'). In addition, said map or an additional site plan shall reflect the required floor plans identifying boundaries of the project units, convertible and expandable areas or spaces, and common areas. Said Map or plan should designate the intended use of common areas (e.g. storage, recreational, parking for guests as opposed to unit owners, open space, etc.) and should indicate whether such common areas are to be open to the public, assigned to specific units or semi-private being available only to unit owners. Said Map or site plan shall also identify and describe in detail the location of existing or proposed driveways, pedestrian ways, curbcuts, walls, structures, fences, landscaping and sprinkling systems.

(2) Two (2) copies, signed in the original, or the proposed condominium declarations and bylaws, together with a copy of the documents recorded after final approval.

(3) Where conversion of an existing building is proposed as part of the condominium project, a property report for each conversion project including the information required by the International Building Code as amended herein, shall be submitted as part of the application together with the plan for proposed improvements renovations and repairs.

(4) Proof of notice to tenants required by Section 7-20-11 below shall be required before final approval, but may be submitted at owner/developer's option after preliminary approval is obtained.

(5) Filing fees. To assist the City to defray costs involved with the review of the project, fees shall be submitted with the application in the following amounts:

$25.00 per project plan plus;
$ 5.00 per unit (1-10 units); plus,
$ 2.00 per unit over 10 units.

(6) Repealed. (Ord. 1993-04, 05-04-1993)

(7) Repealed. (Ord. 1993-04, 05-04-1993)
(Ord. 2004-15, 10-20-2004)

7-20-6. Review of declarations.

Condominium declarations and bylaws shall be reviewed by the Tooele City Attorney to assure the inclusion of provisions which to City's satisfaction address and fix responsibility for the maintenance, upkeep and repair of common areas including common walls, electrical, mechanical, plumbing or utility systems, recreational areas, landscaping and parking areas. Also, declarations shall restrict the use of any individual residential dwelling unit to single-families. The City Engineer shall also review said declarations sand require appropriate disclosure or treatment of any unusual circumstances, variances or conditions placed upon the condominium project for approval.
(Ord. 1980-24, 06-24-1980)

7-20-7. Preliminary review and approval by city engineer.

Upon receipt of an application for approval of a condominium project, the City Engineer shall review the proposed building plans for new construction, and/or the property report and plan of improvements, renovations and repairs in the case of a conversion project to determine if such plans comply with

applicable building codes. In the case of a conversion, the City Engineer shall require inspections of the property and may require supplementation, revision and re-submission of the property report should it be determined that substantial discrepancies exist or inspections indicate report statements are not supported by facts, code requirements or sound construction practices. Upon preliminary review, the City Engineer shall note corrections, repairs and replacements which must be made to bring the structures into code compliance together with a list or renovation improvements proposed by the developer not required by code. The City Engineer in such preliminary report, shall indicate any requirements of the International Building Code, as amended herein, he anticipates waiving as being impractical because of the unique circumstances associated with the structure and any conditions he intends to impose upon such waivers. The City Engineer may then recommend denial until such time as existing violations of code are corrected or may recommend preliminary approval of the project and building report subject to the condition that violations be corrected prior to final approval.
(Ord. 2004-15, 10-20-2004); (Ord. 1980-24, 06-24-1980)

7-20-8. Preliminary review by Tooele City Attorney.

The Tooele City Attorney shall review the application and related documents to determine whether the project conforms to applicable requirements of the Condominium Ownership Act of 1975, applicable zoning ordinances of the district in which the condominium project is located, the status or extent of nonconforming rights, applicable conditions on the use or building imposed by ordinance, variances, conditional uses and/or prior approval of a planned unit, clustered or group development. If the City Attorney finds requirements, (s)he may recommend denial of the condominium project until such violations have been corrected or requirements have been completed, or (s)he may recommend preliminary approval subject to the condition the violations be corrected, completed or bonded prior to final approval.
(Ord. 2016-15, 10-19-2016) (Ord. 1980-24, 06-24-1980)

7-20-9. Preliminary approval.

(1) If upon submission of the reports and recommendations of the City Engineer and City Attorney, the City Engineer finds that: (1) both recommendations are favorable, and (2) that the City Engineer is not waiving any requirements imposed by the ordinance, the City Engineer may, on an administrative staff basis grant preliminary approval. Absent such a finding that said criteria is met, or in the event of a dispute regarding conditions imposed by such an administrative preliminary approval, the matter shall be set for hearing before the Planning Commission pursuant to (2) below.

(2) When an administrative approval is not appropriate under (1) above, the City Engineer shall submit the reports and recommendations of the City Engineer and City Attorney before a hearing of the Planning Commission for consideration of preliminary approval or modifications thereof. If the Planning Commission finds that approval is recommended by the City Engineer and City Attorney, and that the project is in compliance or has presented approved plans which will bring the structures into compliance with applicable zoning, building, health or subdivision ordinances and requirements, the Planning Commission may grant preliminary approval and it may impose appropriate conditions subsequent as part of its approval. Such conditions may include correction of violations, appropriate amendment to declarations and the submission of Notice of Intent to tenants, etc., to be completed prior to final approval.

(3) The effect of preliminary approval shall entitle the owner/developer to proceed with obtaining building permits, giving notice to tenants and preparing documents for final approval, and to otherwise proceed with the project with all aspects thereof being subject and conditioned upon final approval.
(Ord. 1980-24, 06-24-1980)

7-20-10. Final review.

(1) Building Official. After preliminary review, the Building Official, or in his absence, the City Engineer, shall cause the structure to be inspected in the normal course of inspection work being conducted under permit. Prior to final approval, the Building Official shall cause final inspections of all structures and work therein to be completed upon the request of the owner/developer to determine conformance to applicable building codes. If the Building Official finds remaining corrections, repairs or replacements which are required to bring renovations, said Official may require corrections and completion of such work prior to final approval. However, should the Building Official determine plans to correct code violations or to complete proposed renovations or refurbishing after final approval as a condition thereof, are reasonable and shall not create hazards to the health or welfare of occupants, said Building Official may recommend final approval subject to completion of necessary or planned work, provided the owner/developer files a faithful performance bond in an amount equal to guarantee the estimated cost of labor and materials to correct violations of building codes, or conditions imposed by ordinance or order. Said bond shall be approved by the City Attorney as to form and content and said approved bond must be filed with the final Map prior to submission to and approval by the City Council. The acceptance of such bond as a condition of final approval shall not waive or substitute for the need of the owner/developer to obtain a certificate of occupancy for

the project or units after work is completed prior to actual occupancy, if applicable.

(2) By City Engineer. After preliminary approval, the City Engineer shall be responsible to monitor conditions of preliminary approval to insure compliance therewith prior to presentation to the Planning Commission and City Council for final approval. All violations of existing ordinances shall be corrected and requirements shall be completed prior to final approval, or shall be corrected or completed as a condition of final approval prior to submission to City Council or shall be bonded according to the criteria and standards set forth in (A) above. The sixty (60) day notice period required in Section 7-20-11 shall commence from the latest date of notice to any tenant and must elapse prior to submission of the condominium project to the Planning Commission for final approval.
(Ord. 1980-24, 06-24-1980)

7-20-11. Final approval - Planning commission and city council.

Upon submission of the recommendations of the City Engineer, Building Official and City Attorney, the matter shall be set for consideration of the Planning Commission. If said Commission finds that the project is in compliance with applicable ordinances and the requirements of preliminary approval, the Planning Commission may recommend final approval. The Planning Commission must approve any recommendation from the City Engineer or Building Official for work that is proposed for subsequent completion, bonding or waiver and may affirm or otherwise impose appropriate terms upon such bonding or conditions upon its approval. Upon final approval by the Planning Commission, the City Engineer shall insure all conditions of approval have been completed, all final documentation is signed and submitted including any required bonds or agreements required to be filed, and shall then submit the matter, together with the recommendation of the Planning Commission with his signature upon the map before the City Council for final approval. If the City Council shall determine said project is in conformity with the requirements of applicable ordinances of Tooele City, it shall approve said Map. If it should determine said project is not in conformity with requirements of the ordinances of Tooele City, or if it rejects any offers of dedication, or if it is not satisfied with plans of a project which constitutes a subdivision, it shall disapprove said Map specifying reasons for disapproval. Within thirty (30) days after the City Council has disapproved any project, the developer may file with the City Engineer a Map altered to meet the requirements of the City Council. No final Map shall have any force or effect until the same has been approved by the City Council as reflected by the signature of the Mayor and is officially recorded with the Tooele County Recorder within eighteen (18) months from the date of the Mayor's signature.
(Ord. 1980-24, 06-24-1980)

7-20-12. Notice to residential tenants in conversion project.

(1) Notice. As part of the application for approval of a condominium project, when said project involves the conversion of an existing residential structure where the structure has been occupied by residential tenants prior to application for conversion, the owner/developer shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to nonresidential structures or to a residential structure that was vacant upon acquisition and remained so during the year prior to filing of the developer's application for conversion; nor shall it preclude the approval of a project prior to the expiration date where every tenant has executed a waiver relinquishing his or her right of notice under this provision.

(2) Contents. Such notice shall include:

(a) the intention and plans for the conversion of the building to a condominium project;

(b) the estimated dates of construction period and termination of occupancy which shall not be less than sixty (60) days from the date notice is served upon occupants or expiration of individual leases, whichever is longer;

(c) the disclosure of the specific initial fixed sales price for each unit which shall be no greater than the price initially advertised and offered to the general public;

(d) relocation information for the tenants specifying available alternative housing relocation resource agencies and organizations and a plan of any services to be voluntarily provided by the owner/developer.

(3) Dissemination of notice. A copy of said notice together with a list prepared by the owner/developer identifying names, apartment or unit numbers, approximate ages, rental rates and other known special handicaps or factors affecting relocation needs of the tenants, shall be submitted to the Tooele City Housing Authority and Tooele County Social Services Department to advise said agencies of the conversion and/or solicit their assistance with relocation services. No final approval of such a conversion project shall be granted by the Planning Commission until the owner/developer has provided proof of service by certified mail or subsequent proof of actual delivery by method of services allowed under Section 78-36-6, Utah Code Annotated, of such notices and relocation plans as required above, and the time designated therein (a minimum of sixty (60) days) has expired.
(Ord. 1980-24, 06-24-1980)

7-20-13. Tenant protest review.

(1) When a tenant of a residential dwelling has received written formal notice of eviction without cause

and without at least 60 days notice of conversion and has reason to believe that notice was issued because of a proposed condominium project, the tenant may, within 15 days of the date of the notice of eviction, initiate an appeal regarding the issue of proper notice to the administrative hearing officer. The filing of such an appeal shall stay the issuance of any approval or issuance of any permits for the structure in question for a period not to exceed 30 days and the matter shall be set for hearing before the administrative hearing officer. Subsequent appeals shall not act to further stay the issuance of approval of the condominium project.

(2) Upon filing, a copy of the appeal form shall be forwarded to the Tooele Housing Authority for relocation advice and assistance. That Authority shall within ten days forward to the administrative hearing officer a statement of its report and recommendation.

(3) Upon filing of an appeal, the building official shall institute an investigation to determine if the notice requirements were satisfied. The building official shall then report his findings to the administrative hearing officer within 10 days of filing the appeal.

(4) The administrative hearing officer shall fix a reasonable time for the hearing of the appeal, give due notice to the appellant and to the owner/developer of the condominium project, and shall, at the hearing, review the appeal together with Agency and department reports, recommendations, and related permit or subdivision applications and shall decide the same within 30 days from the date of filing of the appeal.

(5) The administrative hearing officer, with regard to hearing the appeal, may:

(a) enforce the attendance of witnesses, the production of books and papers and administer oaths;

(b) direct municipal resources, if necessary and appropriate, to alleviate relocation hardships;

(c) hear and decide allegations of error in any order, requirement, decision or determination made by a municipal officer in the performance of the officer's duties;

(d) see that the laws and ordinances are faithfully executed and direct investigations accordingly;

(e) institute any appropriate actions or proceedings to prevent or punish persons from or for performing any acts contrary to the building and zoning ordinances of Tooele City;

(f) impose reasonable conditions relating to the terms and conditions upon which the project will be approved which may include suspension of approval pending preparation and implementation of a reasonable relocation plan or services for tenants who have not been given proper notice, or denial of the application in which event the owner/developer may not re-apply for 18 months from the date of denial.

(Ord. 2016-15, 10-19-2016) (Ord. 1994-56, 01-31-1995) (Ord. 1988-18, 07-06-1988)

7-20-14. Enforcement.

(1) It is unlawful for any person, firm, corporation, partnership or association to sell or lease any unit of any condominium or any other portion thereof until the final Record of Survey Map, in full compliance with the provisions of this Title, have been finally approved by the City Council and duly recorded in the office of the County Recorder, except that in the case of a conversion, existing leasing arrangements may be maintained during the conversion process.

(2) All departments, officials and public employees of the City, vested with the duty or authority to approve or issue permits, shall conform to the provisions of this Code and shall neither accept applications nor approve or issue any permit or license for use, construction or any purpose in conflict with the provisions of this Code. Any such Map, permit or license, issued or approved in conflict with the provisions of this Code shall be null and void.

(3) Repealed. (Ord. 91-08, 12-12-91)

(4) The City Engineer or the Building Official shall have the authority to enforce this Code against violations thereof by any of the following actions:

(a) To serve notice requiring the cessation or correction of any action in violation of this Code upon the developer, owner, agent of the developer, successor-in-interest of the developer or owner, tenant, purchaser, builder, contractor or other person who commits or assists in such violation;

(b) To recommend denial of the condominium project application; or,

(c) To call upon the City Attorney to maintain an action for injunctive relief to restrain, abate or cause the corrections of such violation, or to institute criminal proceedings.

(Ord. 1991-08, 12-12-1991) (Ord. 1980-24, 06-24-1980)

7-20-15. Severability.

(1) If any article, section, subsection, paragraph, sentence, clause or phrase of this Chapter, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any Court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter, or any part thereof. The City Council hereby declares that is would have passed each article, section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsection, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(2) If the application of any provisions or provisions of this Chapter to any person, property or circumstances is found to be unconstitutional or invalid or ineffective in whole or in part by any Court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the person,

property or circumstances immediately involved in the controversy, and the application of any such provision to other persons, properties and circumstances shall be unaffected.
(Ord. 1980-24, 06-24-1980)

7-20-16. Effective date.

In the opinion of the City Council of Tooele City, it is necessary to the peace, health and welfare of the inhabitants of Tooele City that this ordinance become effective immediately. This ordinance shall take effect upon its first publication.
(Ord. 1980-24, 06-24-1980)

CHAPTER 21. RESIDENTIAL FACILITIES FOR HANDICAPPED PERSONS
(Repealed. Ordinance 2012-17.)

CHAPTER 22. CERTIFICATES OF OCCUPANCY

7-22-1. Certificate required.
7-22-2. Application.
7-22-3. Prerequisites.
7-22-4. Exceptions.
7-22-5. Deferral of prerequisites.

7-22-1. Certificate required.

No land shall be occupied or used and no building hereafter erected in part, for any residential, commercial, or industrial purpose until a certificate is issued by the Building Official stating that the building and/or the use complies with the provisions of this Title and with applicable uniform codes. The certificate shall be called a Certificate of Occupancy.
(Ord. 2000-20, 12-06-2000); (Ord. 87-16, 11-05-87)

7-22-2. Application.

Certificates of Occupancy shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed.
(Ord. 2000-20, 12-06-2000); (Ord. 84-01, 01-17-84)

7-22-3. Prerequisites.

In addition to other provisions of this Title, no certificate of occupancy shall be issued until the following public improvements are completed and in place:

(1) Street grading; base, dust treatment, paving, curb and gutter, parkstrip landscaping, and sidewalk as outlined in Title 4, Chapter 8, Tooele City Code;

(2) Sanitary sewer facilities;

(3) Culinary water facilities;

(4) Address numbers.

(Ord. 2000-20, 12-06-2000); (Ord. 87-16, 11-05-87); (Ord. 2014-09, 09-03-2014)

7-22-4. Exceptions.

Upon a finding of unusual circumstances, the Building Official may certify that the installation of certain required improvements, which are not essential to life, health, and safety, is impractical prior to physical occupancy, and may issue a Temporary Certificate of Occupancy. Prior to such issuance, the applicant shall do the following:

(1) provide a cash bond in the amount of 200% of the estimated value of the incomplete improvements;
(2) sign a Temporary Occupancy Bond Agreement on a form acceptable to the City Attorney;
(3) pay a $200.00 administrative fee;
(4) agree to allowing the City upon the applicant's property in the event the bond is forfeited and the City completes the bonded improvements; and,
(5) indemnify the City for any injuries or damages arising from the bonded improvements completed by the City.

Upon City approval of the improvements, whether completed by the applicant or the City, the City shall issue a Certificate of Occupancy.
(Ord. 2000-20, 12-06-2000); (Ord. 87-16, 11-05-87)
(Ord. 2000-20, 12-06-2000); (Ord. 87-16, 11-05-87)

7-22-5. Deferral of prerequisites.

(1) The installation of the public improvements required by Section §7-22-3, herein, may be deferred by the Community Development Director or Public Works Director, or designee, upon written request of the building permit applicant, addressed to the Community Development Director, upon satisfying the following criteria:

(a) the building permit shall be for the construction of structures other than a new primary building (i.e., for completion of an unfinished space, garage or garage addition, building expansion, upgrade, or remodel, shed, accessory structures); and,

(b) the deferral shall not pose a substantial risk to the life, health, or safety of any persons, as determined by the Community Development Director or Public Works Director.

(2) The owner of the property subject to the building permit shall sign a Deferral Agreement and Release, on a form acceptable to the City Attorney, prior to issuance of the building permit.

(3) The Deferral Agreement and Release shall be recorded by the Community Development Director, or designee, in the offices of the Tooele County Recorder.
(Ord. 2015-19, July 15, 2015) (Ord. 2004-19, 11-17-04)

CHAPTER 23. OFFICIAL CITY MAP AND MAJOR STREET MASTER PLAN

7-23-1. Major streets established.
7-23-2. Interpretation of street classifications.
7-23-3. Building permit - Power of the Director on appeal.

7-23-1. Major streets established.

There is hereby established a master plan setting forth the existing and proposed major street system for and in the City of Tooele which plan or map shall constitute an addition to the official map heretofore adopted and which plan or map is on file in the office of the Tooele County Recorder and is hereby adopted and made a part of this Title, the same as if set out in full herein.

(Ord. 1982-17, 07-16-1982) (Ord. 1982-16, 07-07-1982)

7-23-2. Interpretation of street classifications.

The terms used in classifying the streets set forth in the Major Street Master Plan shall have the same meaning and definitions as set forth in Section 4-8-2 of this Code.

(Ord. 1982-17, 07-16-1982) (Ord. 1982-16, 07-07-1982)

7-23-3. Building permit - Power of the Director on appeal.

In order to preserve the integrity of the official City map no permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. The Director of Community Development shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or part thereof within any mapped street location in any case in which the Director, upon the evidence, finds (1) that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted; or (2) that, balancing of interest in the municipality in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the Director shall hold a hearing thereon. In the event that the Director decides to authorize a building permit, the Director shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

(Ord. 2016-15, 10-19-2016) (Ord. 1982-17, 07-16-1982) (Ord. 1982-16, 07-07-1982)

CHAPTER 24. ANNEXATION

7-24-1. Procedure for annexation.
7-24-2. Initial zoning classifications.
7-24-3. Annexation Agreement.

7-24-1. Procedure for annexation.

(1) Whenever a majority of the real property owners and not less than one third (1/3) of the real property owners as determined by the value of all of the parcels of real property taken together in the contiguous area proposed for annexation, according to the last assessment rolls, desire to have Tooele City annex the property to Tooele City, they shall proceed as follows:

(a) Prepare a written petition signed by the above-referenced property owners, which petition shall be directed to the Community Development Department, together with a completed City annexation application form and payment of the application fee. The petition shall include the legal description of the land area proposed for annexation, and shall otherwise comply with the requirements of U.C.A. Chapter 10-2 Part 4.

(b) Submit an accurate plat of the land area proposed for annexation. The plat shall include areas for the signatures of the Planning Commission members, including the date of recommendation, the City Council members, including the date of approval, the City Attorney approving the plat as to form, the City Recorder for plat certification, and the County Recorder for recordation. The plat shall conform to the requirements of U.C.A. Section 17-23-20, as amended, regarding final local entity plats.

(c) After the signed petition and the plat have been submitted, the petition and plat shall be presented to the City Attorney for review as to form, and to the City Recorder for certification.

(d) Following City Attorney review and City Recorder certification, the petition and plat shall be presented to the City Council, which shall approve or reject a resolution to accept the petition for further consideration.

(e) Following acceptance by resolution of the petition for further consideration, and prior to Planning Commission review and recommendation, the petitioners shall provide at their expense the following detailed studies, among others, for consideration by the City as to the impacts of the proposed annexation upon the City:

(i) culinary water system, including source, storage, transmission, distribution, treatment, and water rights;

(ii) sanitary water system, including collection and treatment;

(iii) storm water retention, detention, and drainage;

(iv) parks and recreation;

(v) police response;

(vi) fire response;

(vii) fiscal and tax;

(viii) others as determined by the City Council.

(f) Following approval of a resolution to the accept the petition for further consideration, the petition and plat, together with the above-required studies, shall be presented to the Planning Commission for recommendation .

(g) After review and recommendation of a petition by the Planning Commission, the plat and petition, together with the above-required studies, shall be presented to the City Council to study at one or more work meetings and for final action at a business meeting, after public hearing.

(h) The petition and annexation may be approved by ordinance upon the vote of two-thirds (2/3) of the members of the City Council, which approving members shall execute their approval by signature upon the plat in the place provided.

(i) Subsequent to approval by the City Council, the City Recorder shall submit the plat and Ordinance to the Utah Lt. Governor as required by U.C.A. 10-2-25, as amended.

(Ord. 2022-10, 05-04-2022) (Ord. 1984-01, 01-04-1984) (Ord. 1975-12, 05-12-1975)

7-24-2. Initial zoning classifications.

All land areas annexed to Tooele City shall receive the zoning classification the City Council identifies in the ordinance of annexation. No portion of the annexed land shall be re-classified to another zoning designation without following the procedure provided by the Utah Code and the Tooele City Code for zoning reclassification.

(Ord. 2022-10, 05-04-2022) (Ord. 1984-01, 01-04-1984) (Ord. 1975-12, 05-12-1975)

7-24-3. Annexation Agreement

(1) Annexation approval is conditioned upon all annexation petitioners executing an Annexation Agreement with the City. The Agreement shall provide, among other things, for the transfer of water rights to the City in compliance with Chapter 26 of this Title. Approval of the annexation by ordinance shall occur only following approval of the Agreement by resolution. Execution of the Agreement by the petitioners shall occur prior to City Council execution of the annexation plat. Refusal by one or more of the petitioners to execute the Agreement shall be grounds for rescinding the Council's annexation approval and for not submitting the plat and ordinance to the Lt. Governor.

(2) The City Recorder shall cause the Agreement to be recorded with the Tooele County Recorder.

(Ord. 2022-10, 05-04-2022) (Ord. 1998-31, 08-18-1998) (Ord. 1996-22, 11-6-1996) (Ord. 1995-20, 12-15-1995)

CHAPTER 25. SIGNS

7-25-1. Title.
7-25-2. Purpose and scope.
7-25-3. Definitions.
7-25-4. Signs prohibited.
7-25-4.1 Electronic billboards prohibited.
7-25-5. Permits required.
7-25-6. Signs not requiring permits.
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7-25-9. Changeable copy.
7-25-10. Sign contractor's license.
7-25-11. Indemnification and insurance.
7-25-12. Signs permitted in all zoning districts.
7-25-13. Signs permitted in residential zoning districts.
7-25-14. Signs permitted in commercial zoning districts.
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7-25-15. Signs permitted in industrial zoning districts.
7-25-16. Nonconforming signs.
7-25-17. Loss of legal nonconforming status.
7-25-18. Maintenance and repair of nonconforming signs.
7-25-19. Signs in clear view zones - signs in the public right-of-way.
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7-25-27. Inspection upon completion.
7-25-28. Variances.
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7-25-31. Violations.
7-25-32. Appeals.
7-25-33. Conflict.
7-25-34. Severability.
7-25-35. Message Substitution.

7-25-1. Title.

This chapter shall be known as the Tooele City Sign Ordinance.
(Ord. 1994-27, 12-19-1994)

7-25-2. General principles - purpose - scope.

(1) Tooele City is a growing community close to the Salt Lake City metropolitan area. The City has an economic base that relies increasingly on tourism and retail sales activity. In order to preserve the City as a desirable community in which to live, recreate, and do business, a pleasing, visually attractive business environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end. The sign regulations in this Chapter are prepared with the intent of enhancing the City's business environment and promoting the continued well-being of the City.

(2) It is the purpose of this Chapter to promote the public health, safety, and general welfare through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

(a) Enable the identification of places of residence and business.

(b) Allow for the communication of information necessary for the conduct of commerce.

(c) Lessen hazardous situations, confusion, and visual clutter caused by proliferation, improper placement, excess illumination, animation, and excessive height, area, and bulk of signs which compete for the attention of pedestrian and vehicular traffic.

(d) Enhance the attractiveness and economic well-being of the City as a place to live, recreate, and conduct business.

(e) Protect the public from the dangers of unsafe, improperly placed, cluttered, and poorly maintained signs, as well as other hazardous conditions caused by signs.

(f) Permit signs that fit in their locational and architectural context and that aid pedestrian and vehicular orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.

(g) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.

(h) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.

(i) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.

(j) Regulate signs in a manner so as to not interfere with, obstruct vision of, or distract motorists, bicyclists, or pedestrians.

(k) Require signs to be constructed, installed, and maintained in a safe and aesthetic manner.

(l) Preserve and enhance the natural and scenic characteristics of this historic community.

(3) The use of signs is regulated according to zoning

district. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Chapter.

(4) This Chapter is not intended to regulate building design, official traffic signs, political signs not located in the public right-of-way, the copy and message of signs, signs not intended to be viewed from a public right-of-way, window displays, product dispensers and point of purchase displays, scoreboards on athletic fields, flags of any nation, government, or noncommercial organization, gravestones, religious symbols, commemorative plaques, the display of street numbers, or any display or construction not defined herein as a sign.

(Ord. 2013-03, 06-19-2013); (Ord. 2010-06, 05-19-2010); (Ord. 1994-27, 12-19-1994)

7-25-3. Definitions.

As used in this chapter:

“A-frame sign” means a portable sign made of two pieces connected by hinges or other hardware and forming the shape of a capital “A” or an inverted “V” when in use.

"Abandoned sign" means a sign which no longer appears to identify, provide directions to, or advertise a current business establishment, service, product, good, event, or activity, or for which no legal owner or lessor can be found upon reasonable diligence.

"Animated sign" means a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include:

(1) "naturally energized" signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, sails, fins, banners, pennants, streamers, spinners, whirligigs, metallic disks, or other similar devices designed to move in the wind;

(2) "mechanically energized" signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives; and,

(3) "electrically energized" signs which are illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

(a) "flashing signs" which are illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination is either the same as or less than the duration of the period of darkness and in which the intensity of illumination varies from zero to 100% during the programmed cycle; and

(b) "illusionary movement signs" which are illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

"Area" - see "sign, area."

"Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or nonrigid materials on a supporting framework.

"Awning sign" means a sign painted on, printed on, or attached flat against the surface of an awning.

"Back lit awning" - see "electric awning sign."

"Banner sign" means a sign made of fabric or any nonrigid material with no enclosing framework.

"Billboard" - see "off-premise sign."

"Building" means any structure used or intended to be used for the shelter or enclosure of persons, animals, or property.

"Canopy (building)" means a rigid multi-sided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. It may be illuminated by means of internal or external sources.

"Canopy (freestanding)" means a rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. It may be illuminated by means of internal or external sources.

"Canopy sign" means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

"Changeable copy sign" means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include:

(1) "manually activated signs" whose alphabetic, pictographic, or symbolic information content can be changed or altered by manual means;

(2) "electrically activated signs" whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. These signs include:

(a) fixed message electronic signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, public service announcements, or other events subject to prior programming; and

(b) computer controlled variable message electronic signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

"City" means the City of Tooele unless the context clearly discloses a contrary intent.

"Civic Organization" means a community-based company, club, committee, association, corporation, or any other organization or group of persons acting in concert which is composed of persons who are members thereof on a voluntary basis and which is primarily established to further educational, charitable, religious, cultural, or local economic development purposes.

"Clearance" (of a sign) means the smallest vertical distance between the grade of the adjacent street, highway, sidewalk, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

"Clear view zone" means the area of a corner lot closest to the intersection which is kept free of visual impairment or obstruction in order to allow full view by both pedestrian and vehicular traffic, as further described in Tooele City Code Section 7-2-11.

"Closing sale sign" means a sign advertising a closing sale regulated by Chapter 5-3.

"Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

"Copy" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

"Department" means the Tooele City Community Development Department or successor department.

"Directional/information sign" means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. Such signs may contain logo provided that the logo may not comprise more than 20% of the total sign area.

"Director" means the Director of the Community Development Department or authorized designee.

"Double-faced sign" means a sign with two faces essentially back-to-back.

"Dwell time" means the length of time that elapses between changes in the text, images, or graphics on an electronic sign.

"Electric awning sign" or "back lit awning" means an internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

"Electrical sign" means a sign or sign structure in which electrical wiring, connections or fixtures are used.

"Electronic message center" - see "changeable copy signs, electrically activated."

"Electronic sign" or "digital sign" means any sign, video display, projected image, or similar device with text, images, or graphics generated by solid state electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LED), plasma displays, fiber optics, or other technology that results in bright, high-resolution text, images, and/or graphics.

"Facade" means the entire building front including the parapet.

"Face of sign" means the area of a sign on which the copy is placed.

"Feather sign" means a generally narrow vertical temporary sign with or without copy where the sign is mounted onto a pole or individual mounting device with the intent of utilizing natural or man-made air movement.

"Festoons" means a string of ribbons, tinsel, small flags, or pinwheels.

"Flashing sign" - see "animated sign, electrically energized."

"Frontage" means the length of the property line of any one premise along an adjacent public right-of-way.

"Frontage, building" means the length of an outside building wall facing a public right-of-way or other primary vehicular access.

"Government sign" means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

"Ground sign" means a sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.

"Handheld sign" means a temporary sign carried or held by a person.

"Height (of a sign)" means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

"Identification sign" means a sign whose copy is limited to the name and address of a building, institution, or person or to the activity or occupation being identified.

"Illegal sign" means a sign which does not conform fully to the requirements of this Chapter and which has not received legal nonconforming status.

"Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

"Incidental sign" means a small sign, emblem or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

"Inflatable" means any display, with or without copy,

that has a final shape supported by gasses enclosed within a container or is continuously supported by blown air.

"Lot" means a parcel of land legally defined on a subdivision map recorded with the county recorder, or a parcel of land defined by a legal record or survey map.

"Low profile sign" or "monument sign" means a sign mounted directly to the ground with maximum height not to exceed 6 feet and a maximum area not to exceed 40 square-feet.

"Maintenance" means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, mechanism, or structure of a sign.

"Mansard" means a sloped roof or roof-like facade architecturally comparable to a building wall.

"Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade or any exterior wall of a building.

"Marquee sign" means any sign attached to or supported by a marquee structure.

"Monument sign" - see "low profile sign."

“Motion” means the depiction of movement or change of position of text, images, or graphics on a sign. Motion shall include visual effects such as dissolving and fading text and images, running sequential text, graphic bursts, lighting that resembles zooming, twinkling or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes, and similar actions.

"Multiple-faced sign" means a sign containing 3 or more faces, not necessarily in back-to-back configuration.

"Nameplate" means a nonilluminated on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

"Nonconforming sign" means a sign which was erected legally, but which does not comply with the subsequently enacted provisions of this Chapter.

"Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise lawfully occupied for a given use.

"Off-premise sign" or "billboard" means a sign structure advertising an establishment, merchandise, service, product, or entertainment which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

"Off-site directional sign" means a sign which provides directional assistance to access an establishment conveniently and safely.

"On-premise sign" means a sign which pertains to the use of the premises or property on which it is located.

"Owner" means a person recorded as such on official land or business license records of Tooele County or the City. The owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Department, e.g., a sign leased from a sign company.

"Painted wall sign" means any sign which is applied with paint or similar substance on the surface of a wall.

"Parapet" means the extension of a false front or wall above a roof line.

"Person" means any individual, corporation, association, firm, partnership, or similarly defined interest.

"Point of purchase display" means advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser or a tire display.

"Pole cover" means the cover enclosing or decorating poles or other structural supports of a sign.

"Political sign" means a temporary sign used in connection with a local, state, or national election or referendum.

"Premises" means a parcel of land with its appurtenances and buildings.

"Projection sign" means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure.

“Pylon Sign” means an independent sign, greater than 6 feet in height, structurally designed to be fully supported by the earth.

"Real estate sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

"Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

"Roof sign" means any sign erected over or on the roof of a building.

"Rotating sign" - see "animated sign, mechanically energized."

"Sign" means any device, structure, fixture, or placard using graphics, symbols, written copy, or other means for the primary purpose of identifying, providing directions to, or advertising any business establishment, product, goods, or services.

"Sign, area":

(1) Projecting and freestanding signs shall have only one side of any double- or multiple-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets: a rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of each cabinet or module. The line lengths and angles shall be measured and the enclosed area calculated. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments.

(2) The area of wall signs shall be within a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of

individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area containing the letters.

"Snipe sign" means a temporary sign or poster affixed to a tree, fence, utility pole, or similar object or to the ground.

"Subdivision identification sign" means a freestanding or wall sign identifying a recognized subdivision, condominium complex or residential development.

"Temporary sign" means a sign not constructed or intended for long-term use.

“Temporary special event sign” means a sign announcing an event that is scheduled and open to the public. The term “temporary special event” shall not include a grand opening sale, a closing sale, a garage sale, or other similar events.

“Twirl time” means the time it takes for static text, images, and graphics on an electronic sign to change to different text, images, or graphics on a subsequent sign face.

"Under-canopy sign" means a sign suspended beneath a canopy, ceiling, roof, or marquee.

"Use" means the purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

“Vehicle sign” means a vehicle utilized for the primary purpose of displaying a sign or of identifying, providing directions to, or advertising any establishment, product, goods, or services. The word “vehicle” includes cars, trucks, and trailers.

(1) Example: a vehicle parked for several days at a location apparently unrelated to the sign on the vehicle is a vehicle sign.

(2) Example: a vehicle containing a sign and parked at the owner’s or operator’s place of residence or employment is not a vehicle sign.

(3) Example: a bus, taxi, other vehicle containing a sign and operating during the normal course of business is not a vehicle sign.

"Wall sign" means a sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

“Wheeled sign” means any sign moved upon or attached to one or more wheels that is not a vehicle sign.

"Window sign" means a sign installed or painted on the inside of a window and intended to be viewed from the outside.

(Ord. 2020-41, 10-07-2020) (Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013) (Ord. 2012-21, 11-21-2012) (Ord. 2010-06, 05-19-2010) (Ord. 2005-21, 09-21-2005) (Ord. 2005-08, 04-20-2005) (Ord. 1994-27, 12-19-1994)

7-25-4. Signs prohibited.

The following signs are prohibited in all zoning districts:

(1) abandoned signs;

(2) animated signs, but not changeable copy signs;

(3) banner signs exceeding 48 square-feet, pennants, festoons, and search lights, except temporary special event signs;

(4) signs imitating or resembling official traffic or government signs or signals;

(5) signs, other than government signs and A-frame signs, placed on any public right-of-way;

(6) signs on the premises of a home occupation advertising that home occupation except as identified in Section 7-25-13;

(7) off-premise signs and billboards;

(8) handheld signs;

(9) vehicle signs;

(10) wheeled signs;

(11) snipe signs;

(12) roof signs;

(13) inflatable signs located in the Downtown Overlay District;

(14) inflatable signs exceeding ten feet in height and two feet in width; and,

(15) all other signs not permitted by this Chapter.

(Ord. 2020-41, 20-07-2020) (Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013) (Ord. 2012-21, 11-21-2012) (Ord. 2002-15, 08-07-2002) (Ord. 1994-27, 12-19-1994)

7-25-4.1 Electronic billboards prohibited.

The conversion, remodeling, rehabilitation, or upgrade of an existing off-premise sign or billboard to an electronic sign or digital sign is prohibited.

(Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013)

7-25-5. Permits required.

Unless otherwise provided by this chapter, all signs shall require permits and payment of fees. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

(Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-6. Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

(1) construction signs of 16 square-feet or less;

(2) directional/information signs of nine square-feet or less;

(3) holiday or special events decorations;

(4) nameplates of two square-feet or less;

(5) political signs;

(6) public signs or notices, or any sign relating to an emergency;

(7) real estate signs;
(8) window signs;
(9) A-frame signs;
(10) banner signs;
(11) incidental signs, and,
(12) temporary special event signs under Section 7-25-12(9)(f)(ii); and,
(13) registered 501(c)(3) organization, schools, and civic organizations fundraising event signs under Section 7-25-12(8).
(Ord. 2020-41, 10-07-2020) (Ord. 2017-13, 06-07-2017) (Ord. 2013-03, 06-19-2013) (Ord. 2012-21, 11-21-2012) (Ord. 1994-27, 12-19-1994)

7-25-7. Maintenance.
All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Department shall have the right under Section 7-25-30 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
(Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-8. Electronic signs.
Where allowed, electronic signs shall conform to the following standards.
(1) Motion. Any motion or appearance of motion is prohibited on an electronic sign face.
(2) Dwell time. Dwell time shall be at least three seconds.
(3) Twirl time. Twirl time shall not exceed 0.25 seconds.
(4) Brightness. Signs shall not exceed 20% of the total space of the illuminated sign to be white or yellow.
(5) Controls. All electronic signs shall contain automatic dimming controls or photocell mechanisms or technologies that automatically adjust sign brightness, dwell time, twirl time, and motion to the standards of this Section.
(6) Size. The maximum portion of a sign that is allowed to be electronic, as opposed to static image, is 75%.
(7) Verification.
The City shall have the right to verify compliance, or to receive additional verification of compliance, with the standards of this Section, upon request.
(Ord. 2020-41, 10-07-2020) (Ord. 2015-02, 02-04-2015)

7-25-8.1 Lighting.
Unless otherwise prohibited by this Chapter, all signs may be illuminated.
(Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-9. Changeable copy.
Unless otherwise specified by this chapter, any sign allowed by this Chapter may be a changeable copy sign.
(Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-10. Sign contractor's license.
No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid contractor's license and all required state and federal licenses.
(Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-11. Indemnification and insurance.
(1) All persons involved in the maintenance, installation, alteration, or relocation of signs located near or upon any public right-of-way or other public property shall agree to hold harmless and indemnify the City, its officers, agents, and employees against any and all claims of negligence arising from such work.
(2) All persons involved in the maintenance, installation, alteration, or relocation of signs located near or upon any public right-of-way or other public property shall file with the City Recorder a satisfactory certificate of insurance to indemnify the City against liability.
(Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-12. Signs permitted in all zoning districts.
The following signs are allowed in all zoning districts:
(1) all signs not requiring permits, except those signs prohibited by Section 7-25-4;
(2) one nonilluminated sign for each street frontage of a construction project, not to exceed 48 square feet in sign area in residential zones or 64 square feet in sign area in all other zones, and such signs may be erected 60 days prior to beginning of construction and shall be removed 30 days following completion of construction;
(3) one nonilluminated real estate sign per lot or premises not to exceed twelve square feet in sign area, and such signs must be removed 15 days following sale, rental or lease of the real estate involved;
(4) one nonilluminated attached building nameplate per occupancy, not to exceed two square feet in sign area;
(5) political signs;
(6) directional/information signs;
(7) off-site directional signs, not to exceed nine square feet in area, announcing an event which is open to the public and which has a duration of less than seven days. Off-site directional signs allowed under this Section may be placed no sooner than ten days prior to the event opening and shall be removed by the sign permit applicant within three days after the event closing;
(8) Registered 501(c)(3) organizations, schools, and civic organizations fundraising event signs shall be subject to the following time, place, and manner standards:
(a) shall not exceed 12 square-feet in area;
(b) may be ground-mounted or wall-mounted, but not roof-mounted;

(c) if grounded-mounted,

(i) shall not exceed four feet in height;

(ii) shall not be located within a clear view zone; and,

(iii) shall not have more than two faces;

(d) may be located on any private property with the property owner's prior written authorization, which shall be made available for verification if requested by the city;

(e) shall not exceed four signs per event;

(f) shall not exceed five business days in duration;

(9) temporary special event signs. A temporary special event sign shall be subject to the following time, place, and manner standards:

(a) shall not exceed 48 square-feet in area;

(b) may be ground-mounted or wall-mounted, but not roof-mounted;

(c) if grounded-mounted,

(i) shall not exceed four feet in height;

(ii) shall not be located within a clear view zone; and,

(iii) shall not have more than two faces;

(d) may be located on any private property with the property owner's written authorization;

(e) shall not exceed four signs per event; and,

(f) may be displayed at the following times:

(i) four display periods in each calendar year each not to exceed 21 total days prior, during and after the scheduled event, subject to both a permit and a fee, as listed in the Tooele City Fee Schedule, for each display period; and,

(ii) the following established display periods:

(A) Martin Luther King Day (Third Monday of January): up to five days before and including the holiday;

(B) Valentine's Day (February 14) : up to five days before and including the holiday;

(C) President's Day (Third Monday of February): up to five days before and including the holiday;

(D) Mother's Day (Second Sunday in May): up to five days before and including the holiday;

(E) Easter: up to five days before and including the holiday;

(F) Memorial Day (Last Monday in May): up to five days before and including the holiday;

(G) Father's Day (Third Sunday in June): up to five days before and including the holiday;

(H) Independence Day (July 4): up to five days before and including the holiday;

(I) Pioneer Day (July 24): up to five days before and including the holiday;

(J) Labor Day Father's Day (Third Sunday in June): up to five days before and including the holiday;

(K) Veteran's Day (November 11): up to five days before and including the holiday;

(L) Thanksgiving Day (Fourth Thursday in November): up to ten days before and including the holiday; and,

(M) Christmas Day (December 25) and New Year's Day (January 1): up to 23 days beginning December 10 and ending January 2;

(10) grand opening signs, not to exceed 30 days per calendar year; and,

(11) closing sale signs.

(Ord 2020-41, 10-07-2020) (Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013) (Ord. 2011-10, 04-06-2011) (Ord. 2010-06, 05-19-2010) (Ord. 2008-12, 09-03-2008)

7-25-13. Signs permitted in residential zones.

(1) Signs are allowed as follows in residential zones:

(a) all signs as permitted in Section 7-25-12;

(b) one subdivision identification sign per street frontage, neighborhood, subdivision or development, not to exceed 48 square feet in sign area in each location;

(c) one identification sign per entrance to apartment or condominium complexes, not to exceed 36 square feet in sign area;

(d) for permitted nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed 48 square feet in sign area, and one wall sign not to exceed 48 square feet in sign area, except window signs or a sign hung from the front door, no larger than 24 x 18 inches, advertising a home occupation are prohibited;

(e) one bus bench sign at each bona fide stop along a public transit route provided the owners of the benches are authorized to operate in Tooele City and advertising on the benches does not exceed 20 square feet in area.

(2) All allowed freestanding signs in residential zones shall have a maximum height limit of six feet and shall have a setback of 15 feet from any public right-of-way.

(Ord. 2020-41, 10-07-2020) (Ord. 1994-27, 12-19-1994)

7-25-14. Signs permitted in commercial zoning districts.

(1) Signs are allowed as follows in commercial zoning districts:

(a) all signs as permitted in Sections 7-25-12 and 7-25-13;

(b) one low profile sign per street frontage;

(c) one pylon sign per street frontage provided, however, that:

(i) building sites located adjacent to a controlled access arterial road (i.e., 106 foot right-of-way) may have no more than one pylon sign for every full 300 feet of road frontage;

(ii) building sites located adjacent to a

limited access collector road (i.e., 84-foot right-of-way) may have no more than one pylon sign for every full 175 feet of road frontage;

(iii) building sites with less than the required frontage may aggregate their respective frontages to qualify for a pylon sign and collocate on the sign pursuant to written collocation agreement filed with the City;

(iv) building sites with more than one street frontage shall be limited to one pylon sign;

(v) building sites not located adjacent to a controlled access arterial road or limited access collector road shall not have a pylon sign located within 200 feet of said arterial or 100 feet of said collector, respectively;

(vi) building sites not located adjacent to a controlled access arterial road or limited access collector road may collocate on an existing pylon sign by contractual arrangement, not as a matter of entitlement, with the owners and/or tenants of building sites containing pylon signs; and

(vii) pylon signs shall comply with the following minimum design standards:

(A) shall not exceed one square-foot in sign area for each lineal foot of property frontage;

(B) shall not exceed 150 square-feet in area;

(C) shall not exceed 25 feet in height;

(D) shall not be placed closer than 50 feet from adjacent building site property lines; and,

(E) shall not be placed closer than ten feet from a right-of-way property line.;

(d) one wall sign, marquee sign or electric awning sign not to exceed 15% of the aggregate area of building elevation on which the signs are installed, to include window signs and wall-mounted banners;

(e) one under-canopy sign for each separate occupancy or separate entrance not to exceed eight square feet in sign area, and such signs must have a minimum clearance of eight feet to grade;

(f) Repealed. (Ord. 2008-12, 09-03-08).

(g) portable or wheeled signs for new business openings for not more than 15 days;

(h) one projection sign, which may project into the public way up to four feet when not in conflict with state requirements within a designated "Downtown Overlay" or "Mixed Use" zoning district. Projections must be no closer than ten feet horizontally from the top back of curb. The bottom of the sign shall not be less than seven feet above the top back of curb or not less than ten feet above the top back of curb when within a clear view zone;

(i) closing sale signs, subject to Section 5-3-18 (Limitation);

(j) feather signs pursuant to the following:

(i) feather signs shall be no taller than ten feet from the ground at the base of the sign;

(ii) feather signs shall not be located less than five feet from any street right-of-way;

(iii) feather signs shall not be located within any clear view area;

(iv) feather signs shall be allowed in a ratio of one sign for every 50 feet (portions thereof not qualifying for a sign) of street frontage along which the sign is posted; and,

(v) feather signs shall only be located on the property for which they represent or advertise; and,

(k) a business property may not to exceed three temporary signs in total;

(l) banner signs are to be used as supplemental signs only. Permanent signs are required prior to the use of a banner sign, except that new occupants may place a banner sign for a maximum of 75 days while waiting for a permanent sign to be manufactured and installed;

(m) banner signs are allowed pursuant to the following standards:

(i) Size and dimension. Banner signs shall not exceed 48 square feet nor four feet in height.

(ii) Number of signs. Each business shall have no more than one banner sign. Banner signs are in addition to other signage allowed by this Chapter.

(iii) Appurtenances. No appurtenances may be added or attached to banner signs. Appurtenances include lighting, balloons, items extending beyond the allowed sign dimensions, and mechanical parts.

(iv) Lighting. Banner signs may not be directly illuminated.

(v) Maintenance. All businesses shall maintain their banner signs in good condition. Sagging, tattered, torn, dirty, or faded banners are not permitted.

(vi) Banner signs shall not impede the use of doors, windows, or exits, or interfere with pedestrian traffic on public or private walkways.

(vii) The City is authorized to remove, confiscate, and dispose of banner signs that do not comply fully with all of the above standards after giving business owner one business day notice prior to removal.

(n) (i) A-frame signs are allowed in the Downtown Overlay District and all commercial districts pursuant to the following standards:

(A) Location. The Downtown Overlay District is defined as extending from 100 South Street to Utah Avenue (200 North) and from 50 West Street to Garden Street (50 East). In the Downtown Overlay District only, A-frame signs may be located on the public sidewalk so long as an unobstructed six-foot pedestrian zone is maintained between the building and the signs. In the Downtown Overlay District only, A-frame signs may be located in the public park strip. A-frame signs may be located in front of the building in which the business advertising on the sign is located. For businesses co-locating on a sign, the sign must be located in front of one of the buildings or building units in which the businesses advertising on the sign are located.

(B) Size and dimension. A-frame signs shall not exceed 30 inches wide and 36 inches tall.

(C) Time. To facilitate maintenance of the public park strips and sidewalks, A-frame signs may be placed within the public right-of-way only between the hours of 8:00 a.m. and 10:00 p.m.

(D) Number of signs. Each business within the Downtown Overlay District and commercial zones shall be allowed in a ratio of one A-frame sign for every ten feet of business property frontage, but not to exceed three total permitted signs temporary signs. A-frame signs shall be spaced at minimum ten feet apart. A-frame signs are in addition to other signage allowed by this Chapter but not to exceed three total permitted temporary signs.

(E) Appurtenances. No appurtenances may be added or attached to A-frame signs. Appurtenances include lighting, balloons, items extending beyond the allowed sign dimensions, and mechanical parts.

(F) Lighting. A-frame signs may not be directly illuminated.

(G) Maintenance. All businesses shall maintain their A-frame signs in good order. The term "good order" shall include the following: fully painted inside and out; readable copy firmly affixed to the sign; no rotting or broken wood, hinges, chains, or other parts.

(ii) The City is authorized to remove, confiscate, and dispose of A-frame signs that do not comply fully with all of the above standards with at least one business day notice to the property owner prior to removal.

(2) In commercial zones, where an occupancy is on a corner lot, a minimum clear view zone is to be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic.

(3) In commercial zones, pylon signs shall maintain a minimum clearance of ten feet over any pedestrian use and 14 feet over any vehicular way.

(4) All signs must comply with lighting and other minimum design standards set forth in this Title.

(Ord. 2020-41, 10-07-2020) (Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 2005-08, 04-20-2005) (Ord. 2002-15, 08-07-2002) (Ord. 1994-27, 12-19-1994)

7-25-14.1. A-frame signs in the Downtown Overlay District. (Repealed.)

(Ord. 2020-41, 10-07-2020) (Ord. 2012-21, 11-21-2012)

7-25-15. Signs permitted in industrial zoning districts.

(1) Signs are allowed as follows in industrial zoning districts:

(a) all signs as permitted in Sections 7-25-12, 7-25-13 and 7-25-14;

(b) one freestanding sign per street frontage not to exceed one square foot of sign area for each lineal foot of property frontage. Signs must not project beyond property lines nor exceed a height of 35 feet. Where street frontage exceeds 300 lineal feet, one additional freestanding sign may be allowed per 300 foot increment;

(c) wall signs not to exceed 30% of the aggregate square footage of the wall area upon which they are installed. Electric awning signs not to exceed 30% of the aggregate square footage of the wall area upon which they are installed. The combination of wall signs and electric awning signs shall not exceed 30% of the allowed wall area;

(d) projecting signs instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten feet over pedestrian area, and 14 feet over vehicular ways;

(e) roof signs where no other sign types can provide effective identification, but they shall be constructed so as to conceal all structure and fastenings, and the height of the roof sign shall not exceed 20% of the total height of the building to which it is attached; and,

(f) incidental signs not to exceed four square-feet in aggregate area per occupancy.

(2) All signs in industrial zones must maintain minimum clearances and construction electrical standards.

(Ord. 2020-41, 10-07-2020) (Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-16. Nonconforming signs.

Existing signs which do not conform to the specific provisions of this Chapter may be eligible for the designation "legal nonconforming" provided that:

(1) the Department determines that such signs are properly maintained and do not in any way endanger the public; and,

(2) the sign was installed in full compliance with a valid City permit, with a valid City variance (not including a use variance), or with all applicable City laws on the date of installation.

(Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-17. Loss of legal nonconforming status.

A legal nonconforming sign shall lose this designation if:

(1) the sign is relocated or replaced; or,

(2) the structure or size of the sign is altered in any way except toward compliance with this chapter. This does not refer to change of copy or maintenance.

(Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-18. Maintenance and repair of nonconforming signs.

Legal nonconforming signs are subject to all requirements of this Code regarding safety, maintenance, and repair. A legal nonconforming sign may be reconstructed and restored if it is involuntarily destroyed in whole or in part due to fire or other calamity, unless the sign is an abandoned sign. Maintenance shall not include the conversion, modification, remodel, or upgrade of a sign to an electronic sign or digital sign.

(Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-19. Signs in clear view zones - signs in the public right-of-way.

(1) Signs in excess of three feet above curb grade or support poles larger than 12 inches in diameter may not be installed in clear view zones. Freestanding signs must have at least ten feet clearance to grade.

(2) No signs may be located in the public right-of-way except A-frame signs and signs owned and installed by the City or the State of Utah. The Department is authorized to remove, confiscate, and dispose of all signs placed in the public right-of-way in violation of this Chapter.

(Ord. 2020-41, 10-07-2020) (Ord. 2013-03, 06-19-2013) (Ord. 2012-21, 11-21-2012) (Ord. 1994-27, 12-19-1994)

7-25-20. Abandoned signs.

(1) Except as otherwise provided in this Chapter, any on-premise sign which is located on property that is undeveloped or becomes vacant and unoccupied for a period of one month or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three months or more.

(2) Any off-premise sign which no longer, and for a period of two consecutive months, advertises goods, products, services or facilities available to the public or which directs persons to a different location where such goods, products, services or facilities are not for a period of two consecutive months available, shall be deemed to have been abandoned.

(3) Abandoned signs shall be removed by the owner of the premises on which the sign is located.

(4) All abandoned signs become a nuisance, per Section 8-4-8 (Nuisance abatement), after six months of evidence of abandonment and as designated by the Building Official.

(Ord. 2020-41, 10-07-2020) (Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-21. Construction specifications.

All signs shall be installed in compliance with building and electrical codes as adopted by the City.

(Ord. 1994-27, 12-19-1994)

7-25-22. Community Development Department duties.

(1) The Department is authorized to process applications for permits, hold public hearings as required, and enforce and carry out all provisions of this Chapter. The Department is authorized to enforce regulations and procedures consistent with this Chapter.

(2) Department personnel are empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

(Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-23. Application for permits.

Application for a permit for the erection or relocation of a sign shall be made to the Department upon a form provided by the Department and shall include the following information:

(1) name and address of the owner of the sign;

(2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;

(3) the type of sign or sign structure as defined in this Chapter;

(4) a site plan with measurements showing the proposed location of the sign along with the locations of all existing signs on the same premises; and,

(5) specifications and drawings showing the materials, design, dimensions, components, structural supports, and electrical components of the proposed sign.

(Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-24. Permit fees.

All applications for permits filed with the Department shall be accompanied by a payment of the permit fee for each sign as established by the City.

(Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-25. Issuance and denial.

(1) The Director shall issue a permit for the erection, structural alteration, or relocation of a sign within five business days of receipt of a completed application, provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

(2) When a permit is denied, the Zoning Administrator shall, within five business days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity. The Zoning Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

(Ord. 2020-41, 10-07-2020) (Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-26. Permit conditions, refunds and penalties.

(1) If a permit is denied, the permit fee will be refunded to the applicant.

(2) If no inspections have been made and no work authorized by the permit has been performed, the permit fee may be refunded to the applicant upon request, provided that the permit is returned to the Department within fiva business days of issuance.

(3) If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Chapter.

(2020-41, 10-07-2020) (Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-27. Inspection upon completion.

(1) Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Department upon completion of the work. The Department may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

(2) The Department may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs.

(Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-28. Variances.

Any person or entity desiring a waiver or modification of the requirements of this Chapter as applied to a sign, an application for sign permit, or a parcel of property upon which a sign is located or is applied to be located may apply to the Board of Adjustment for a variance from the terms of this Chapter under Section 2-4-7 (Variances) of this Code.

(Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-29. Violations Procedure.

(1) When a violation of this Chapter exists, the Zoning Administrator shall issue a written order to the alleged violator. The order shall specify those sections of this Chapter the individual may be in violation of and shall state that the individual has ten days from the date of the order in which to correct the alleged violation or appeal to the Director.

(2) If, upon inspection, the Department finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, the Zoning Administrator or Building Official shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring the repair or removal of the sign within five days of the date of the order.

(Ord. 2024-23, 08-21-2024) (Ord. 2020-41, 10-07-2020) (Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-30. Removal of signs.

(1) The Zoning Administrator may cause the removal and disposal of illegal temporary signs with one business day notice to the sign or property owner. Temporary signs located in the public right-of-way or on public property can be removed without prior notice to the sign owner.

(2) The Zoning Administrator and/or Building Official may cause the removal of an illegal sign in cases of emergency or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Department.

(3) If the amount specified in the notice is not paid within five business days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10% penalty for collection in the same manner as the real estate taxes.

(4) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Department, as in the case of a leased sign.

(5) For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support or be a part of the sign.

(6) In cases of emergency, the Zoning Administrator and/or Building Official may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety.

(7) Any temporary sign caused to be removed by the Zoning Administrator or Building Official shall be held for a minimum of five business days before disposal. The owner of the removed sign may retrieve the sign during the time the sign is held but shall not re-install the sign unless done according to and in conformance with the terms of this Chapter.

(Ord. 2020-41, 10-07-2020) (Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-31. Violations.

(1) Civil. Unless otherwise provided, a violation of this Chapter is a civil infraction, punishable as follows:

(a) first violation: $100 fine;

(b) second violation: $250 fine;

(c) third and subsequent violations: $500 fine.

(2) Criminal. In addition to the civil penalties provided in this Section, a violation of this Chapter may be charged and prosecuted as a class C misdemeanor.

(Ord. 2024-23, 08-21-2024) (Ord. 2015-14, 04-15-2015) (Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

7-25-32. Appeals.

(1) Any failure to respond to an application within five days of receipt of any decision rendered by an ordinance enforcement officer, a building official, the Zoning Administrator, or any authorized designee, in denying a permit or in alleging a violation of this Chapter may be appealed in writing to the Director.

(2) The action or decision being appealed shall not be stayed pending the outcome of any administrative appeals unless the Director finds that there is good cause to do so.

(3) The Director shall issue a written decision within 30 days of receipt of the appeal. A decision not issued with 30 days of receipt of the appeal shall be deemed a denial of the appeal.

(4) The decision of the Director may be appealed by filing a written appeal with the Mayor's office within ten days of the date of the Director's decision. The Administrative Hearing Officer shall schedule and conduct an informal hearing, shall notify the appellant and the Director of the date and time of the hearing, and shall issue a written decision within 15 days of the hearing. The decision shall be mailed by first-class mail to the appellant.

(Ord. 2020-41, 10-07-2020) (Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010) (Ord. 1994-27, 12-19-1994)

7-25-33. Conflict.

If any portion of this Chapter is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City, the provision which establishes the higher standard shall prevail.

(Ord. 1994-27, 12-19-1994)

7-25-34. Severability.

Should any word, phrase, sentence, or section of this Chapter be determined to be invalid for any reason by any court of competent jurisdiction wherein the validity of the said word, phrase, sentence, or section was at issue, the invalidity of said provision shall not affect the validity of the balance of this Chapter and said provision shall be considered severable from the balance of this Chapter to the extent that the meaning and clear intent of the balance is not materially affected.

(Ord. 2010-06, 05-19-2010)

7-25-35. Message substitution.

Subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This Section does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

(Ord. 2010-06, 05-19-2010)

CHAPTER 26. WATER RIGHTS

7-26-1. Water Rights Acquisition Policy and Conveyance Requirements.
7-26-2. Water Rights Required–Determination of Amount.
7-26-3. Type of Water Rights Acceptable for Conveyance.
7-26-4. Possible Adjustments or Revisions to Water Rights Conveyance Requirements.
7-26-5. Time of Conveyance.
7-26-6. Appeals and Requests for Adjustment, Modification, Exemption, or Waiver of Water Rights Conveyance Requirements.
7-26-7. Effective Date.

7-26-1. Water Rights Acquisition Policy and Conveyance Requirements.

Intent. It is intended that all applicants requesting annexation of land into Tooele City for residential development, all applicants requesting that property already within the boundaries of the City rezone the property to a higher density or more intensive use which increases the need for water service from the City, all applicants requesting the subdivision of land, and all applicants requesting a development permit shall convey water rights in an amount sufficient to satisfy the anticipated future water needs of the respective proposed development to be served and supplied by the City water system as provided in this Chapter. Satisfaction of this water rights acquisition policy and the accompanying conveyance requirements shall be considered as a condition to and requirement of approval for all such applications.

(Ord. 2021-22, 08-18-2021) (Ord. 2015-03, 03-04-2015) (Ord. 1998-31, 08-18-1998)

7-26-2. Water Rights Required–Determination of Amount.

(1) (a) Residential Uses–Interior. The amount of water rights to be conveyed in order to satisfy this policy and provide an adequate supply of water for a dwelling unit interior shall be 0.25 acre-feet per dwelling.

(b) Residential Uses–Exterior. The amount of water rights to be conveyed in order to satisfy this policy and provide an adequate supply of water for a dwelling unit exterior shall be 4.00 acre-feet per acre of irrigable land, taking into account such factors as lot size, lot impervious surfaces, and lot irrigable area.

(c) These requirements are a reasonable average and are required despite variations in usage above or below the average in any given application.

(2) Non-Residential Uses. An amount sufficient to satisfy the projected needs of the proposed development shall be determined by the Tooele City Public Works Director. The Public Works Director may delegate responsibilities under this Chapter.

(3) State Engineer Requirements.

(a) For interior use, due to the nature of Tooele City's water reclamation facility, the State Engineer requires that the quantity of water credited to a development applicant upon the applicant's conveyance of water rights shall be that portion of the water right which the State Engineer has approved for depletion, and that quantity shall not include any diversion amounts which the State Engineer requires to be returned to the hydrologic system. In other words, interior water rights must be approved by the State Engineer for 100% depletion.

(b) For exterior use, the quantity of water credited to a development applicant upon the applicant's conveyance of water rights shall be that portion of the water right which the State Engineer has approved for diversion, which quantity may include any amounts which the State Engineer requires to be returned to the hydrologic system.

(Ord. 2021-22, 08-18-2021) (Ord. 2015-03, 03-04-2015) (Ord. 2000-03, 1-5-2000) (Ord. 1999-34, 12-01-1999) (Ord. 1998-31, 08-18-1998).

7-26-3. Type of Water Rights Acceptable for Conveyance.

(1) Water rights proposed for conveyance to the City shall be municipal or municipal-type water rights. Prior to acceptance of such water rights, the City shall evaluate the rights proposed for conveyance, in its discretion, may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, unsuitable for municipal use, not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer, not associated with a developed or identified developable water source, or otherwise deficient. The City's refusal of such rights shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this Chapter. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights, the historic average quantities of water associated with the water rights, water source sufficiency, water quality, and other relevant factors. The City will require an approved application for the change of use and change of point of diversion, as applicable, with the State Engineer in order to quantify and verify the water rights.

(2) Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

(3) Supply and Delivery Facilities May be Required. In addition to furnishing water rights pursuant to this Chapter, the applicant will be required to comply with other provisions of the Tooele City Code, including the payment of water impact fees, and also may be required

to pay additional costs necessary to construct the facilities necessary to supply, store, and distribute water.
(Ord. 2026-07, 04-01-2026) (Ord. 2015-03, 03-04-2015) (Ord. 2005-19, 08-03-2005) (Ord. 2000-03, 01-05-2000) (Ord. 1998-31, 08-18-1998)

7-26-4. Possible Adjustments or Revisions to Water Rights Conveyance Requirements.

(1) Annexation; deferral. Where an annexation contains property which is being annexed without the consent of the owner, or where water service will not immediately be provided by the City as a result of an annexation, the City may, in the exercise of the discretion of the City Council, elect to not require the conveyance of water rights at the time of annexation as long as the annexation specifically identifies such parcels and provides either an alternative means to satisfy these water rights conveyance requirements or provides that any subsequent change in zoning classification or subsequent development approval which increases the need for water service by the City will require the conveyance of additional water rights to the extent necessary to provide adequate water to serve such future development. Such an election shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this Chapter.

(2) Lands Which Are Restricted Against Future Development. Where development of the property in question is restricted by unusual circumstances such as topographic features, environmentally sensitive or fragile conditions, or voluntary limitations on landscape and other activities which will reduce the amount of water to be provided by the City, the Public Works Director may reduce the amount of the water right required to be conveyed to an amount commensurate with the nature of the proposed restricted development. Any such restriction must be accompanied by enforceable provisions for securing compliance in a form to be approved the Tooele City Attorney.

(3) Redevelopment.

(a) Dwellings. A dwelling building permit application associated with land that contains or once contained a dwelling, which dwelling will be or has been razed, shall not require the conveyance of water rights. The burden shall be upon the applicant to demonstrate by substantial evidence that the land contains or once contained a dwelling. The water rights adjustment made for dwellings pursuant to this Subsection shall apply to the new dwelling and curtelage only. Additional irrigable land added to the parcel upon which the to-be-razed dwelling sits, or the prior dwelling sat, shall require the conveyance of additional water rights or the payment of a fee-in-lieu, as determined by the Public Works Director.

(b) Other primary structures. A building permit application associated with land that once contained a primary structure that was not a dwelling shall require the conveyance of water rights or the payment of a fee-in-lieu of conveyance if the applicant cannot demonstrate by substantial evidence that water rights were previously conveyed to the City for the prior structure. If water rights were conveyed to the City for a prior non-dwelling structure, but those water rights are determined by the Public Works Director to be insufficient for the structure and associated irrigated areas identified in a new building permit application, the applicant shall convey additional water rights or pay an additional fee-in-lieu of conveyance, as determined by the Public Works Director.

(4) Expansion and change of use. Where a non-residential building alteration or change of use requires a new building permit or a new occupancy permit, and the building alteration or change of use is anticipated to result in increased culinary water usage, the permit applicant shall convey additional water rights or pay an additional fee-in lieu of conveyance, as determined by the Public Works Director. Dwelling alterations or expansions shall not require the conveyance of additional water rights unless resulting in the creation of a new dwelling unit. No rebate or refund shall be owing where a building alteration or change of use may result in decreased culinary water usage.

(5) Water-wise methods. Where a building site, building, or use of a building, including landscaping, incorporates technologies or processes designed to decrease impacts to City water systems and facilities, where the water rights conveyance requirement was reduced in reliance upon those technologies or processes, and where those technologies or processes fail or cease to be used, for any reason or to any degree, the City may require the conveyance of additional water rights or the payment of an addition fee-in-lieu of conveyance corresponding to the increased culinary water usage resulting from such failure or cessation of use, as determined by the Public Works Director. The fee-in-lieu may be invoiced by the City to the building water account through the regular city water bill, to be paid in full over a period of no more than three years. The City may record a Notice with the office of the Tooele County Recorder regarding any property utilizing this provision.

(6) Secondary water. Where site landscaping uses secondary water provided by the City or by an irrigation company, where the water rights conveyance requirement was reduced in reliance upon secondary water usage, and where secondary water usage decreases in favor of an increase in culinary water usage, the City may require the conveyance of additional water rights or the payment of an additional fee-in-lieu of conveyance corresponding to the increased culinary water usage, as determined by the Public Works Director. The fee-in-lieu may be invoiced by the City to the property water account through the regular city water bill, to be paid in full over a period of no more than three years. The City may record a Notice with the office of the Tooele County Recorder regarding any property utilizing this provision.

(7) Exemption for *de minimus* usage. Notwithstanding the requirements of this Chapter, the City Council may establish a policy whereby building alterations or changes of use resulting in *de minimus* increases of culinary water usage shall not require the conveyance of additional water rights or the payment of

a fee-in-lieu of conveyance. The term *de minimus* shall be defined in the policy.
(Ord. 2015-03, 03-04-2015) (Ord. 1999-34, 12-01-1999) (Ord. 1998-31, 08-18-1998)

7-26-5. Time of Conveyance.

(1) The conveyance of title to the water rights, free and clear of all liens, encumbrances, and claims of any nature not expressly approved in writing by Tooele City, shall be an express condition to the City's approval of any final annexation, rezoning, or development permit. Tooele City may require a water rights title insurance policy or the equivalent.

(2) The water rights conveyance required by this Chapter shall occur promptly following the earliest development approval for which the amount of water rights necessary to satisfy the anticipated future water needs of the development can be ascertained with reasonable certainly. An approved residential final plat shall not be signed or recorded, nor any building permit issued, prior to conveyance of the water rights or payment of the fee-in-lieu. Notwithstanding City review of a land use application, a land use application shall not be considered complete until the associated water rights are conveyed or the fee-in-lieu paid, as applicable. Should the amount reasonably anticipated fall short of the amount actually required, the applicant shall convey additional water rights or pay an additional fee-in-lieu, as determined by the Public Works Director, as soon as possible following written notice to do so, but no later than a subsequent development permit for the subject development.

(3) Notwithstanding Subsection (2), above, the City may approve a non-residential building permit prior to the conveyance of the required water rights where:

(a) the applicant has filed a change application with the State Engineer for sufficient water rights for the development;

(b) there is no indication that the State Engineer will deny approval of the change application; and,

(c) the applicant has executed and recorded a water rights agreement on a form approved by the City Attorney.

(Ord. 2015-03, 03-04-2015) (Ord. 1999-34, 12-01-1999) (Ord. 1998-31, 08-18-1998)

7-26-6. Appeals and Requests for Adjustment, Modification, Exemption, or Waiver of Water Rights Conveyance Requirements.

(1) Any applicant, person, or entity which is subject to this water rights acquisition policy and conveyance requirement may file, in writing, either prior to or concurrent with the application that triggers the water rights conveyance requirement, an appeal or a request for adjustment, modification, exemption, or waiver of the requirement with the City Council seeking relief from all or a portion of the water rights acquisition policy requirements as contained in this Chapter.

(2) Supporting Information to be Submitted. Any such appeal or request for relief shall be signed by the applicant and contain adequate information and documentation in support of the relief requested. The City Council may request additional information which they deem reasonably necessary in order to make a decision on the application. The burden shall be upon the applicant in any such appeal or request for adjustment, modification, exemption, or waiver of this water rights conveyance requirement to demonstrate that the strict application of the policy under their particular facts and circumstances is inequitable, unreasonable, or unlawful.

(3) Decision by City Council. Within 30 days of the filing of the completed appeal or request, together with all supporting information and documentation required by the City Council, the City Council shall schedule a public meeting with appropriate notice. At the public meeting, the applicant and all interested persons shall be entitled to present information, documentation, and witnesses in support of or in opposition to the application. At the conclusion of the meeting, the City Council shall either issue its decision or vote to study further the appeal or request and issue its decision at the next regular City Council meeting.
(Ord. 2015-03, 03-04-2015) (Ord. 1998-31, 08-18-1998)

7-26-7. Effective Date.

Tooele City specifically finds that it is necessary for the immediate preservation of the health, safety, and welfare of the present and future inhabitants of the City that this ordinance shall take effect retroactive to the date of subdivision final plat or site plan application for those subdivisions or site plans that fail to do any one of the following:

(1) (a) for residential subdivisions or the residential portion of mixed-use subdivisions, obtain subdivision final plat approval from the City Council prior to August 1, 2005;

(b) for non-residential subdivisions or the non-residential portion of mixed-use subdivisions, obtain site plan approval from the Planning Commission prior to August 1, 2005;

(2) complete public improvement bonding pursuant to Tooele City Code §7-19-12 prior to August 1, 2006; or

(3) complete all bonded public improvements prior to August 1, 2007.

(Ord. 2015-03, 03-04-2015) (Ord. 2007-07, 04-04-2007) (Ord. 2006-15, 07-05-2006) (Ord. 2005-19, 08-13-2005) (Ord. 2005-07, 05-04-2005) (Ord.19 98-31, 08-18-1998)

CHAPTER 27. PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES

7-27-1. Title.
7-27-2. Purpose.
7-27-3. Findings.
7-27-4. Definitions.
7-27-5. Application of provisions.
7-27-6. Site plan application requirements.
7-27-7. Building permits.
7-27-8. Priority of antenna site locations.
7-27-9. Permitted uses.
7-27-10. Non-permitted uses.
7-27-11. Co-location requirement.
7-27-12. Lease agreements for use of city land.
7-27-13. Standards for antennas and antenna support structures.
7-27-14. Conditional use permit considerations.
7-27-15. Additional requirements for monopoles and towers.
7-27-16. Safety requirements.
7-27-17. Abandonment.
7-27-18. Required site features.
7-27-19. Maintenance requirements.

7-27-1. Title.

This Ordinance shall be known as the Wireless Telecommunications Zoning Ordinance.
(Ord. 98-38, 12-02-98)

7-27-2. Purpose.

The purposes of this ordinance are:

(1) To regulate personal wireless services antennas, with or without support structures, and related electronic equipment and equipment structures.

(2) To provide for the orderly establishment of personal wireless services facilities in the City.

(3) To minimize the number of antenna support structures by encouraging the co-location of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of City-owned property for antenna support structures.

(4) To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of personal wireless services facilities.

(5) To comply with the Telecommunications Act of 1996 by establishing regulations that

(a) do not prohibit or have the effect of prohibiting the provision of personal wireless services;

(b) do not unreasonably discriminate among providers of functionally equivalent services;

(c) are not based on the environmental effects of radio frequency emissions, other than the requirement that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.
(Ord. 98-38, 12-02-98)

7-27-3. Findings.

The City Council makes the following findings:

(1) Personal wireless services devices are an integral part of the rapidly growing and evolving telecommunications industry, and present unique zoning challenges and concerns for the City.

(2) The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, and aesthetics, and orderly planning of the community.

(3) The City has experienced an increased demand for personal wireless services facilities to be located in the City, and expects the increased demand to continue into the future.

(4) It is in the best interests of the City to have quality personal wireless services available, which necessarily entails the erection of personal wireless services facilities in the City.

(5) The unnecessary proliferation of personal wireless services facilities throughout the City creates a negative visual impact on the community.

(6) The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.

(7) Spacing personal wireless services facilities evenly throughout the city reduces the negative impact created by the proliferation of telecommunication towers.

(8) Because of the height and appearance of personal wireless services facilities, surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower.

(9) A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.

(10) Encouraging personal wireless services facilities to be located on City property, with lease payments paid to the City instead of an individual property owner, indirectly compensates all citizens of the community for the adverse impacts of the facilities, and is therefore the fairest method of distributing burden and benefit.

(11) Locating antennas on existing buildings and structures creates less of a negative visual impact on the community than the erection of towers.

(12) Buildings and structures on public property can accommodate antenna arrays, thus reducing the proliferation of towers in all areas of the City.

(13) The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by permitting the locating of wireless communication systems on existing structures located on City owned property.

(14) Stealth facilities, which are facilities designed to disguise the presence of telecommunications facilities, are preferable to towers and other obtrusive support structures which create an unmitigated aesthetic impact on

surrounding property.

(15) Because of the obtrusive height and size of telecommunications support structures, such facilities have a more substantial negative visual impact in residential areas than in commercial or industrial areas, which frequently contain other high profile structures.

(16) The site location requirements set forth in this ordinance for the placement of personal wireless services are necessary to protect the heath, safety and general welfare of the community.

(17) Chapter 69-3, Utah Code Annotated, grants cities the authority to create or acquire sites to accommodate the erection of telecommunication towers in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City the fair market rental value for the use of any City-owned site. (Ord. 98-38, 12-02-98)

7-27-4 Definitions.

The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word.

(1) "Antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

(2) "Antenna Support Structures" means any structure that can be used for the purpose of supporting an antenna(s).

(3) "City" means Tooele City, Utah.

(4) "City-owned Property" means real property that is owned, leased or controlled by the City.

(5) "Co-location" means the location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.

(6) "Guyed Tower" means a tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.

(7) "Lattice Tower" means a self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.

(8) "Monopole" means a single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.

(9) "Monopole Antenna with Platform" means a monopole which includes antennas and antenna support structure which exceed three feet (3') in width, but do not exceed fifteen feet (15') in width or eight feet (8') in height.

(10) "Monopole Antenna with no Platform" means a monopole which includes antennas and antenna support structure that do not exceed three feet (3') in width or ten feet (10') in height.

(11) "Personal Wireless Services" means commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

(12) "Personal Wireless Services Antenna" means an antenna used in connection with the provision of personal wireless services.

(13) "Personal Wireless Services Facilities" means facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.

(14) "Private Property" means any real property not owned by the City, even if the property is owned by another public or governmental entity.

(15) "Roof Mounted Antenna" means an antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building or structure.

(16) "Stealth Facilities" means personal wireless services facilities which have been designed to be compatible with the natural setting and surrounding structures, and which camouflage or conceal the presence of antennas and/or towers. The term includes, but is not limited to, clock towers, church steeples, light poles, flag poles, signs, electrical transmission facilities and water tanks.

(17) "Tower" means a free-standing structure, such as a monopole tower, lattice tower, or guyed tower, that is used as a support structure for antenna(s).

(18) "Wall Mounted Antenna" means an antenna or series of individual antennas mounted on the vertical wall of a building or structure.

(19) "Whip Antenna" means an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.
(Ord. 98-38, 12-02-98)

7-27-5. Application of provisions.

This ordinance (the Wireless Telecommunications Zoning Ordinance) applies to both commercial and private low power radio services and facilities, such as "cellular" or PCS (personal communications system) communications and paging systems. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

(1) Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

(2) Satellite. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.

(3) Cable. Any cable television headend or hub towers and antennas used solely for cable television services.
(Ord. 98-38, 12-02-98)

7-27-6 Site plan application requirements.

Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. The City shall not consider the application until all required information has been included. The application

shall include the following:

(1) Fee. The fee for site plan review shall be $200.00.

(2) Site Plan. A site plan consisting of one or more pages of maps and drawings drawn to scale. The applicant shall submit five (5) copies of the proposed site plan to the building department. One of the copies shall be 8 ½" x 11", and the other four copies shall be at least 8 ½ " x 11", but not larger than 24" x 36". The proposed site plan shall be drawn to a scale large enough to clearly show all details and in any case not smaller than sixty feet (60') to the inch. The site plan for personal wireless services facilities shall include the following information and items:

(a) Name and street address of the site or location.

(b) Name of applicant.

(c) Name of owner of property.

(d) North arrow.

(e) Scale of drawing.

(f) Area of lot in square feet.

(g) Lot line dimensions.

(h) A vicinity map containing sufficient information to accurately locate the property shown on the plan.

(i) Names and locations of fronting streets and locations and dimensions of public streets, private streets and driveways.

(j) Footprints of existing and proposed buildings and structures, including a notation of each unit's height above the grade.

(k) Location and size of existing and proposed antennas, with dimensions to property lines.

(l) Location of existing and proposed fire protection devices.

(m) Location, dimensions, and distance to property lines of existing and proposed drive accesses.

(n) Location and dimensions of existing and proposed curbs, gutters, and sidewalks.

(o) Location and dimension of off-street parking spaces.

(p) Location and type of surface water drainage system.

(q) Drawings of proposed structure elevations showing the height, dimensions, appearance and materials proposed.

(r) Location and description (height, materials) of existing and proposed fences.

(s) Location and description (dimensions, distance to property lines and type of lighting (direct or indirect) of existing and proposed signs.

(t) A security lighting plan, if proposed.

(u) Landscape plan to scale indicating size, spacing and type of plantings

(v) A signed lease agreement with the City if the site is located on City property.

(3) Written descriptions to be included with application:

(a) Environment. A full description of the environment surrounding the proposed facility, including a description of adjacent uses, any adjacent residential structures, and any structures and sites of historic significance.

(b) Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.

(c) Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.

(d) Location. A map showing the site and the nearest telecommunications facility sites within the network, a description of the distance between the telecommunications facility sites, and a description of how this service area fits into the service network.

(e) Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.

(f) Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.

(g) Liaison. The name, address, telephone number, and fax number of a contact person who can respond to questions concerning the application and the proposed facility.

(4) Requirements for Monopoles. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.

(5) Requirements for Facilities Not Located on Highest Priority Site. If the applicant desires to locate antennas on a site other than the highest priority site (as described in Section 18, paragraph 9), the applicant shall provide the following information to the approving authority:

(a) Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area.

(b) Reason for Rejection of Higher Priority Sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible.

(c) Justification for Proposed Site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

(6) Approval Process. The application and site plan shall be reviewed by the City pursuant to its standard site plan approval process. If the facility requires a conditional use permit, the review shall be pursuant to the City's standard conditional use permit approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(Ord. 98-38, 12-02-98)

7-27-7. Building Permits.

(1) General Requirements. No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan, amended site plan or conditional use permit is required, until the site plan, amended site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the Building Official, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.

(2) Requirements for Monopoles and Towers. If the applicant is constructing a monopole or other tower-type structure, the applicant shall, if requested by the City, submit a written report from a qualified, structural engineer licensed in the State of Utah, documenting the following:

(a) Height and design of the monopole or tower, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.

(b) Seismic load design and wind load design for the monopole or tower.

(c) Total anticipated capacity of the monopole or tower, including number and types of antennas which can be accommodated.

(d) Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris.

(e) Soil investigation report, including structural calculations.

(Ord. 98-38, 12-02-98)

7-27-8. Priority of antenna site locations.

(1) Personal wireless services antennas shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to locate antennas on sites in the following order of priority:

(a) Existing structures. Lawfully existing buildings, structures and antenna support structures, provided that the buildings, structures or support structures are:

(i) located in a non-residential zone; or

(ii) located in a residential zone on property that is being used for non-residential uses (e.g. government, school or church); or

(iii) located in a residential zone on a property that is being used for a multi-family residential building having eight or more dwelling units and which is at least thirty-five (35) feet in height..

(b) Stealth facilities. Stealth facilities as defined by this ordinance.

(c) Monopoles on city-owned property. Monopoles constructed on City-owned property.

(d) Monopoles on non-residential private property. Monopoles constructed on private property, provided that the private property is:

(i) located in a non-residential zone; or

(ii) located in a residential zone on property that is used for a non-residential use (e.g. government, school or church); or

(e) Other. Sites other than those listed above.

(2) Burden of Proof. The applicant shall attempt to locate its antennas on sites in the order of priority set forth above. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority:

(a) Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area.

(b) Reason for Rejection of Higher Priority Sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.

(c) Justification for Proposed Site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

(Ord. 98-38, 12-02-98)

7-27-9. Permitted Uses.

The following antenna locations are permitted uses, provided that the applicant complies with other applicable laws and regulations:

(1) Existing Structures on City-owned Property. Existing buildings, structures and antenna support structures located on City-owned property.

(2) Existing Structures on Private Property. Lawfully existing buildings and structures located on private property, provided that the private property is

(a) located in a non-residential zone, or

(b) located in a residential zone on property that is used for a non-residential use (e.g. government, school or church), or

(c) located in a residential zone on property that includes a multi-family residential building having eight (8) or more dwelling units and which is at least thirty-five (35) feet in height.

(3) Co-location. Co-location on a lawfully existing antenna support structure located on private property.

(4) Monopoles in Industrial Areas. Monopoles constructed in industrial or manufacturing zones.

(5) Stealth Facilities in Non-residential Zones. Stealth facilities constructed in non-residential zones, unless they are constructed as part of a structure for which a conditional use permit is otherwise required, in which case they shall be conditional uses.

(Ord. 98-38, 12-02-98)

7-27-10 Non-Permitted Uses.

The following antenna types and antenna locations are not permitted, except upon a showing of necessity (inability to achieve coverage or capacity in the service area) by the applicant, in which case they shall be considered as conditional uses:

(1) Lattice Towers and Guyed Towers. Lattice towers, guyed towers, and other non-stealth towers, with the exception of monopoles, are not permitted in any zone.

(2) Monopoles on Private Property in a Residential Zone. Monopoles located on residentially zoned private property, if the residentially zoned property has a residential use (as opposed to a school, church, or other non-residential use).

(3) Conditional Uses. Antennas proposed for any other location shall be considered as conditional uses, provided that the applicant complies with other applicable laws and regulations.

(Ord. 98-38, 12-02-98)

7-27-11 Co-location Requirement.

Unless otherwise authorized by the approving authority for good cause shown, every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry.

(Ord. 98-38, 12-02-98)

7-27-12 Lease Agreement.

The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or the Mayor's designee is hereby authorized to execute the standard lease agreement on behalf of the City. The Lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the approving authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

(Ord. 98-38, 12-02-98)

7-27-13 Standards for Antennas and Antenna Support Structures.

Personal wireless services facilities are characterized by the type or location of the antenna structure. There are five general types of antenna structures contemplated by this ordinance: wall mounted antennas; roof mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

(1) Wall Mounted Antennas.

(a) Maximum Height. Wall mounted antennas shall not extend above the roof line of the building or structure or extend more than four (4) feet horizontally from the face of the building.

(b) Setback. Wall mounted antennas shall not be located within one hundred feet (100') feet of any residence.

(c) Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.

(d) Color. Wall mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

(2) Roof Mounted Antennas.

(a) Maximum Height. The maximum height of a roof mounted antenna shall be eighteen feet (18') above the roof line of the building.

(b) Setback. Roof mounted antennas shall be located at least five feet (5') from the exterior wall of the building or structure, and at least fifty (50') feet from any residence.

(c) Mounting options. Roof mounted antennas may be mounted on top of existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structure may not extend more than eight (8) feet above the existing roof line of the penthouse or mechanical equipment room.

(d) Color. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

(3) Combination of Wall and Roof Mounted Antennas. Any building may have a combination of wall and roof mounted antennas. The total area for all wall and roof mounted antennas and supporting structures on any one building shall not exceed the lesser of sixty (60) square feet or five percent (5%) of each exterior wall of the building.

(4) Monopoles with no Platform.

(a) Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be seventy-five feet (75'), although the approving body may, as a conditional use, allow an antenna or antenna support structure up to 110 feet in height, if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed three feet (3') in width. The antenna itself shall not exceed ten feet (10')

in height.

(b) Setback. Monopoles shall be set back a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

(c) Color. Monopoles, antennas, and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.

(5) Monopoles with Platform.

(a) Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be seventy-five feet (75'), although the approving body may, as a conditional use, allow an antenna or antenna support structure up to 110 feet in height, if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antennas and antenna mounting structures on the monopole shall not exceed eight feet (8') in height or fifteen feet (15') in width. The antenna itself shall not exceed ten feet (10') in height.

(b) Setback. Monopoles shall be set back a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

(c) Color. Monopoles, antennas, and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.

(6) Stealth Facilities.

(a) Maximum Height. The maximum height of a stealth facility shall be the maximum structure height on the zoning district in which the stealth facility is located. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit.

(Ord. 98-38, 12-02-98)

7-27-14 Conditional Use Permit Considerations.

In addition to the City's standard conditional use permit considerations, the approving authority shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless services facility:

(1) Compatibility. Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility.

(2) Screening. Whether the facility uses existing or proposed vegetation, topography or structures in a manner that effectively screens the facility.

(3) Disguise. Whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties.

(4) Parcel Size. Whether the facility is located on a parcel of sufficient size to adequately support the facility.

(5) Location on Parcel. Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel.

(6) Location in general. Whether location or co-location of the facility on other structures in the same vicinity is practicable, without significantly affecting the antenna transmission or reception capabilities.

(7) Co-location. The willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry.

(Ord. 98-38, 12-02-98)

7-27-15 Additional Regulations for Monopoles and Towers.

(1) Distance from other Monopoles. Monopoles and towers shall be located at least one thousand feet (1000') from each other, except upon a showing of necessity by the applicant, or upon a finding by the City that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

(2) Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area or parking area.

(Ord. 98-38, 12-02-98)

7-27-16 Safety Requirements.

(1) Regulation Compliance.

(a) Compliance with FCC and FAA regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.

(b) Other licenses and permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.

(2) Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the monopole.

(3) Fencing. Monopoles and towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the City determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.

(4) Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit

consideration, the City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.
(Ord. 98-38, 12-02-98)

7-27-17 Abandonment.

The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

(1) Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.

(2) Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this Chapter. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City.
(Ord. 98-38, 12-02-98)

7-27-18 Site Requirements.

(1) Regulations for Accessory Structures.

(a) Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on the site.

(b) Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.

(c) Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 450 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.

(2) Parking. The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.

(3) Landscaping. All sites with a personal wireless services facility shall be landscaped in accordance with the zone requirements where the facility is located.
(Ord. 98-38, 12-02-98)

7-27-19 Maintenance Requirements.

All personal wireless services facilities shall be maintained in a safe, neat and attractive manner.
(Ord. 98-38, 12-02-98)

CHAPTER 28. CONSTITUTIONAL TAKING ISSUES

7-28-1. Purpose.
7-28-2. Definition.
7-28-3. Guidelines.
7-28-4. Analysis.
7-28-5. Appeal.
7-28-6. Limitation.
7-28-7. Legal action.

7-28-1. Purpose.

The purpose of this Chapter is to provide advisory guidelines and procedures to assist the City in identifying and analyzing actions that may involve the taking of private real property without payment of just compensation as required by the Constitutions of the United States and the State of Utah.
(Ord. 2003-07, 04-02-03)

7-28-2. Definition.

As used herein, the term "constitutional taking issues" means actions involving the physical or regulatory taking of private real property by the City that might require compensation to a private real property owner under:

(1) The Fifth or Fourteenth Amendments of the United States Constitution;

(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.
(Ord. 2003-07, 04-02-03)

7-28-3. Guidelines.

When the City is proposing to take action that will affect private real property, the City shall determine whether the contemplated action may involve constitutional taking issues. A "Yes" answer to any of the following questions could raise the possibility of a taking of private real property for which just compensation may be required:

(1) Does the action result in a permanent or recurring physical occupation of private property?

(2) Does the action require a property owner to dedicate property or grant an easement to the City?

(3) Does the action create or otherwise impose a permanent or ongoing nuisance, originating on City property, that impacts neighboring lands so that their owners or occupants sustain a special and unreasonable interference with the quiet enjoyment of their property?

(4) Does the action interfere with a fundamental attribute of ownership such as the right to reasonable access, the right to light, air and view within the right-of-right way of an abutting public street, or the right to exclude others from private property?

(5) Does the action unreasonably interfere with a separately protected and vested right, such as the right to continue a nonconforming use; the right to have an application reviewed under the law that was in effect when a complete application was submitted; the right to obtain legally issued subdivision plat approvals, building permits, or licenses; or other protected property interests?

(6) Does the action impose a severe economic burden that is inappropriately unfair when considered in light of (a) the burden placed on the property owner, (b) the nature of the government action and benefit, and (c) the property owner's investment-backed expectations?

(7) Does the action deprive the property owner of all economically viable use of the property in a situation where the proposed use does not constitute a nuisance or a severe threat to health and safety?

(8) Does the action limit the use of private property without substantially advancing a legitimate public interest?

(9) Can the City demonstrate by an individualized determination that any conditions, dedications or exactions imposed as a condition of approval of development applications place only fair and roughly proportionate burdens on development, offsetting the burdens that the proposed development places on public utilities, streets and other services but not imposing additional burdens on development that the community as a whole should bear?

(10) Does the action discriminate against property owners, imposing restrictions or burdens on one property owner that other similarly situated property owners do not bear?
(Ord. 2003-07, 04-02-03)

7-28-4. Analysis.

If the City determines that a proposed governmental action involves constitutional taking issues, the City shall review and analyze the possible taking to determine the course to be taken. In reviewing the proposed action, the following factors shall be considered:

(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 City's lawful objectives and reduce the risk of a constitutional taking;

(4) The cost to the City for payment of compensation if a taking is determined.
(Ord. 2003-07, 04-02-03)

7-28-5. Appeal.

Any private property owner whose interest in the property is subject to a physical or regulatory taking by the City, pursuant to a final and authoritative decision or action of the City, may appeal the City's decision or action by filing a written notice of appeal and statement of the grounds for the appeal in the City Recorder's Office within thirty (30) days from the date of the City's decision or action. The City 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 City fails to hear and decide

the appeal within fourteen (14) days, the City's decision or action is presumed to be approved.
(Ord. 2003-07, 04-02-03)

7-28-6. Limitation.

The guidelines set forth herein are advisory only and shall not be construed to expand nor limit the scope of the City's liability for a constitutional taking. The City shall have no legal liability to any person, firm or entity of any nature whatsoever and a court may not impose liability upon the City for failure to comply with the provisions of this Chapter.
(Ord. 2003-07, 04-02-03)

7-28-7. Legal action.

A property owner's failure to appeal the City's action does not constitute, and may not be interpreted as constituting, a failure to exhaust administrative remedies or as a bar to bringing legal action.
(Ord. 2003-07, 04-02-03)

CHAPTER 29. TEMPORARY VEHICLE SALES LOTS.

7-29-1. Definitions.
7-29-2. Temporary Vehicle Sales lot Use Permit.
7-29-3. Permit Duration.
7-29-4. Permit Display.
7-29-5. Permit Application Information and Requirements.
7-29-6. Parking Requirements.
7-29-7. Other Requirements.
7-29-8. Licensing Requirements.
7-29-9. Waste Disposal Deposit.
7-29-10. Revocation.
7-29-11. Appeals.

7-29-1. Definitions.

(1) "Director" shall mean the Director of the Community Development Department or designee.

(2) "Permit" shall mean a temporary vehicle sales permit.

(3) "Temporary vehicle sales" and "temporary vehicle sales lot" shall mean a vehicle sales activity or event which is not fixed upon a given lot or parcel of land and which is of a maximum duration of seven days.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2003-13, 04-16-2003) (Ord. 2002-17, 08-07-2002)

7-29-2. Temporary Vehicle Sales Lot Permit.

Subject to the provisions of this Section, the Director may issue a permit for temporary vehicle sales, providing that the Director finds that the sales will not conflict with the existing and allowed uses in the neighborhood of the subject property. Temporary vehicle sales shall be restricted to commercial (GC, RC, not NC) and industrial (I, LI) zoning districts. However, a temporary vehicle sale shall be allowed on land zoned Open Space (OS) subject to the following conditions, which are in addition to the other requirements and conditions of this Chapter and Chapter 13a (OS Open Space Zone) of the Tooele City Code, as amended:

(1) the sale shall not be permitted on land subject to recorded conservation or agriculture protection documents, or hillside or environmental protection regulations; and,

(2) the sales lot shall contain permanent adequate lighting, permanent attached or detached restrooms, and a permanent structure that provides adequate patron shelter.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2003-13, 04-16-2003) (Ord. 2002-17, 08-07-2002)

7-29-3. Permit Duration.

Permits shall be for a maximum of seven days, and no more than four permits shall be issued to the same or affiliated applicant in any calendar year.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2003-13, 04-16-2003) (Ord. 2002-17, 08-07-2002)

7-29-4. Permit Display.

Permits shall be displayed at all times in a prominent location at the site of the temporary use.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2002-17, 08-07-2002)

7-29-5. Permit Application Information and Requirements.

Permit applications shall be in writing and shall contain sufficient information to evaluate the proposed temporary vehicle sales lot's compliance with the requirements of this Section. The information shall include, but not be limited to, the following information, and shall demonstrate compliance with the following requirements:

(1) a site drawing indicating the location of the temporary vehicle sales lot and any existing structures and improvements on the lot or parcel on which the temporary vehicle sale is to be conducted, including, but not limited to, the following information, and shall demonstrate compliance with the following requirements:

(a) parking areas;
(b) existing curb and gutter;
(c) existing sidewalks;
(d) existing curb cuts;
(e) proposed outside storage;
(f) proposed retail display areas;
(g) public restroom facilities;
(h) building setbacks required by the applicable zoning district;
(i) existing fire hydrants;
(j) existing and proposed fencing; and
(k) proposed dust control, as required by the Director; and,
(l) any other information reasonably required by the Director or the Tooele City Code.

The site drawing need not be professionally drawn, but must be accurate, legible, and to scale;

(2) either evidence of property ownership or written authorization of the owner of the property upon which the temporary vehicle sale will occur;

(3) proposed hours of operation, which shall be limited to between 7:00 a.m. and 10:00 p.m.;

(4) proposed duration of the sales event;

(5) proposed days of the week the sales event will occur;

(6) proposed lighting plan for hours of operation after sunset;

(7) proposed fencing;

(8) proposed buildings, including tents;

(9) the level and nature of anticipated noise (see Section 11-2-6 of the Tooele City Code) and/or dust generated by the temporary vehicle sale; and,

(10) other items reasonably requested by the Director.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2003-13, 04-16-2003) (Ord. 2002-17, 08-07-2002)

7-29-6. Parking Requirements.

(1) Temporary vehicle sales shall provide one on-site customer parking stall for each ten motorized vehicles

being offered for sale, sold but still on site, and accepted in trade but still on-site.

(2) The requirement may not include parking required for or associated with another use, and shall be adequate to accommodate both the temporary use and the regular use of the property.

(3) The location of the temporary vehicle sale must have safe, supporting, maintained surfacing, as required by the Director, for both the sales and parking areas.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2003-13, 04-16-2003) (Ord. 2002-17, 08-07-2002)

7-29-7. Other Requirements.

In addition to other reasonable requirements made by the Director or the Tooele City Code, Sections 7-29-5(1)(a) (parking), -5(1)(g) (public restrooms), and -5-(1)(k) (dust control), herein, as amended, shall constitute affirmative obligations of the permit applicant.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2003-13, 04-16-2003)

7-29-8. Licensing Requirements.

Nothing in this Chapter shall exempt temporary vehicle sales lots from complying with the licensing regulations contained in Title 5 of the Tooele City Code or the building and development regulations contained in Titles 4 and 7 of the Tooele City Code.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2002-17, 08-07-2002)

7-29-9. Waste Disposal Deposit.

The applicant for each approved permit shall clean the sales site and dispose of all waste generated by the temporary vehicle sale. Prior to permit issuance, each permit applicant shall deposit with the Finance Department a $200.00 waste disposal cleaning deposit and arrange for a dumpster to be delivered to the temporary sales lot.

Failure to clean the site or dispose of all waste generated by the temporary vehicle sale may result in the forfeiture of all or a portion of the deposit, depending on the cost of third-party cleanup, and shall constitute a violation of this Chapter.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2002-17, 08-07-2002)

7-29-10. Revocation.

Any violation of the provisions of this Chapter may result in revocation of the current permit. Upon revocation, the permit applicant and the business entity represented by the permit applicant shall be ineligible for a new permit for 12 months following the date of revocation.

(Ord. 2019-08, 03-20-2019) (Ord. 2005-05, 03-02-2005) (Ord. 2002-17, 08-07-2002)

7-29-11. Appeals.

Any discretionary decision of the Director made pursuant to this Chapter may be appealed in writing to the administrative hearing officer within ten days of the decision. The appeal shall set forth the appellant's reasons why the Director's decision should be overturned or modified.

(Ord. 2019-08, 03-20-2019) (Ord. 2016-15, 10-19-2016) (Ord. 2005-05, 03-02-2005) (Ord. 2002-17, 08-07-2002)

TITLE 8. HEALTH AND SANITATION

Chapter 1. Health Code.
Chapter 2. Sewers (Repealed).
Chapter 3. Garbage Collection and Solid Waste Management.
Chapter 4. Abatement of Nuisances.
Chapter 5. Wastewater Control Ordinance General Provisions.
Chapter 6. Building Sewers, Connections, and Repairs.
Chapter 7. Pump Stations.
Chapter 8. Subdivision.
Chapter 9. POTW Sewer Construction.
Chapter 10. Fees and Charges.
Chapter 11. Industrial Pretreatment Program.
Chapter 12. Subdivisions (Renumbered and Repealed).
Chapter 13. POTW Sewer Construction (Renumbered and Repealed).
Chapter 14. No-fault Utilities Claims.
Chapter 15. Outdoor Smoking.
Chapter 16. Special Events.
Chapter 17. Trees.

CHAPTER 1. HEALTH CODE

8-1-1. Code of food service sanitation regulations. (Repealed.)
8-1-2. Unlawful to allow garbage to accumulate. (Renumbered.)
8-1-3. Garbage cans. (Repealed.)
8-1-4. Garbage preparation. (Repealed.)
8-1-5. Befouling gutters and ditches. (Renumbered.)
8-1-6. Dumping of garbage and waste. (Renumbered.)
8-1-7. Unsanitary buildings and dwellings. (Repealed.)
8-1-8. Dumping of refuse in designated areas. (Renumbered.)
8-1-9. Food service permits required. (Repealed.)
8-1-10. Issuance of permits. (Repealed.)
8-1-11. Operation fees. (Repealed.)
8-1-12. Inspections of suspension or revocation of permits. (Repealed.)
8-1-13. Plan review. (Repealed.)
8-1-14. Employee permits. (Repealed.)
8-1-15. Employee permits required. (Repealed.)
8-1-16. Examination. (Repealed.)
8-1-17. Expiration of employee permits. (Repealed.)
8-1-18. Revocation of employee food service permits. (Repealed.)
8-1-19. Reciprocity. (Repealed.)
8-1-20. Repealed. (Ord 94-56, 01-31-95)
8-1-21. Extra-territorial jurisdiction. (Repealed.)
8-1-22. Penalties. (Repealed.)
8-1-23. Conflicting ordinances. (Repealed.)
8-1-24. Enforcement power of health officer. (Repealed.)

8-1-1. Code of food service sanitation regulations. (Repealed.)
(Ord. 2016-03, 01-19-2016)

8-1-2. Unlawful to allow garbage to accumulate. (Renumbered to 8-3-17.)
(Ord. 2016-03, 01-20-2016)

8-1-3. Garbage cans. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-4. Garbage preparation. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-5. Befouling gutters and ditches. (Renumbered to 8-3-18.)
(Ord. 2016-03, 01-20-2016)

8-1-6. Dumping of garbage and waste. (Renumbered to 8-3-19.)
(Ord. 2016-03, 01-20-2016)

8-1-7. Unsanitary buildings and dwellings. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-8. Dumping of refuse in designated areas. (Renumbered to 8-3-20.)
(Ord. 2016-03, 01-20-2016)

8-1-9. Food service permits required. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-10. Issuance of permits. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-11. Operation fees. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-12. Inspections of suspension or revocation of permits. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-13. Plan review. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-14. Employee permits. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-15. Employee permit requirements. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-16. Examination. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-17. Expiration of employee permits. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-18. Revocation of employee food service permits. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-19. Reciprocity. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-20. Repealed.
(Ord. 1994-56, 01-31-1995)

8-1-21. Extra-territorial jurisdiction. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-22. Penalties. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-23. Conflicting ordinances. (Repealed.)
(Ord. 2016-03, 01-20-2016)

8-1-24. Enforcement power of health officer. (Repealed.)
(Ord. 2016-03, 01-20-2016)

CHAPTER 2. SEWERS

8-2-1 through 8-2-29. Repealed. (Ord. 88-02, 03-16-88)

CHAPTER 3. GARBAGE COLLECTION AND SOLID WASTE MANAGEMENT

8-3-1. Purpose.
8-3-2. Definitions.
8-3-3. Residential collection.
8-3-4. Commercial collection.
8-3-5. Residential collection contract.
8-3-6. Residential solid waste collection fees.
8-3-7. Garbage containers and rental fees.
8-3-8. Additional containers.
8-3-9. Time and place of pickup.
8-3-10. Closing of garbage containers required.
8-3-11. Accumulation or disposal of solid waste prohibited.
8-3-12. Unlawful use of solid waste containers.
8-3-13. Covering of vehicles required. (Repealed.)
8-3-14. Burning of solid waste; recreational fires. Renumbered, reference T03-C01.
8-3-15. Regulations.
8-3-16. Civil Penalty.
8-3-17. Unlawful to allow garbage to accumulate.
8-3-18. Befouling gutters and ditches.
8-3-19. Dumping of garbage and waste.
8-3-20. Dumping of refuse in designated areas.
8-3-21. Appeals.

8-3-1. Purpose.

This Chapter is for the purpose of providing a systematic collection, transportation, storage, processing, recovery and disposal system for all solid waste generated within Tooele City. This Chapter is also intended for the purpose of protecting and providing for the health, safety, comfort and convenience of Tooele City and its inhabitants.
(Ord. 1993-18, 10-01-1993)

8-3-2. Definitions.

(1) "Approved garbage containers" means those containers specifically provided by the City for residential use, which containers are designated specifically for automated garbage collection and have permanently attached, tight fitting lids.

(2) "City" means Tooele City.

(3) "Commercial solid waste" means solid waste resulting from the normal activities of commercial users.

(4) "Commercial user" means an enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, governmental or public entities and churches, etc.

(5) "Mobile home park" means property under single ownership or management used for occupancy by mobile homes.

(6) "Person" means a person, firm, partnership, association, corporation, company or organization of any kind.

(7) "Residence" or "residential user" mean a building or dwelling comprising not more than three dwelling units designed for separate housekeeping tenements and where no business of any kind is conducted except such home occupations as are allowed by the zoning ordinance of Tooele City. " Residence" includes condominiums but does not include hotels, motels, and mobile home parks.

(8) "Residential solid waste" means solid waste resulting from the normal activities of households and residential use.

(9) "Solid waste" means all putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the time of discard or rejection, including garbage, refuse, industrial and commercial waste, and waste which constitutes solid waste as defined in 40 C.F.R. Part 258, the Criteria for Municipal Solid Waste Landfills ("Part 258") which includes household waste, commercial solid waste or industrial solid waste (as such terms are defined in Part 258), or other types of waste governed by subtitle D of the Resource Conservation and Recovery Act, and solid waste within the meaning of the Solid Waste Management Act, Title 19, Chapter 6, Part 5, Utah Code Annotated 1953, as amended, including demolition and construction debris.

(10) "Solid waste disposal contractor" means a person or persons engaged in the business of collecting, hauling or transporting through the streets of Tooele City, any solid waste for disposal or for any other purpose.
(Ord. 1993-18, 10-01-1993)

8-3-3. Residential collection.

(1) Except as provided for herein, all occupied residences within Tooele City shall be provided with mandatory solid waste collection, removal and disposal services and approved garbage containers by the City or its designated agent. All residential solid waste generated within the City shall be transported and delivered to a City-designated and approved solid waste disposal facility.

(2) Except as otherwise expressly permitted by this Section, no residential solid waste shall be moved, hauled away or transported upon the streets or public ways within the City except by the City or their designated agents. It is hereby declared to be unlawful for any person, except as permitted in this Section, to haul or remove residential solid waste within or from the City. Nothing contained in this Section shall, however, preclude persons from hauling their own residential solid waste over the streets or public ways within the City to a City-designated solid waste disposal facility, provided that person is regularly paying the City for collection services.
(Ord. 1993-18, 10-01-1993)

8-3-4. Commercial collection.

Except as provided for in this Section, commercial users shall collect and remove their own commercial solid waste that is generated within the City, either directly or by employing the services of a City-licensed contractor. All commercial solid waste generated within the City shall be transported and delivered to a City-designated and approved solid waste disposal facility. Owners or operators of small commercial enterprises, including

mobile home parks that produce solid waste in amounts comparable to typical residences may, with City approval, participate in the City's solid waste collection system on the same basis as residential users, provided they are located in an area that receives residential solid waste collection services and provided it makes satisfactory arrangements with the City to pay for said services, which may include periodic payment for services or inclusion of the fees with the Tooele City utility bill in the same manner as residential collection fees are assessed and collected.
(Ord. 1993-18, 10-01-1993)

8-3-5. Residential collection contract.

(1) The City may grant a contract to an independent contractor to operate a residential solid waste collection and sanitary disposal pickup service within the City upon such terms and conditions as the city council shall require by contract. All solid waste shall be collected, removed and disposed of with such frequency and in such manner as the city council may from time to time determine appropriate.

(2) The holder of any City collection contract shall be answerable to the city council and City Engineering Department for the conduct and operation of solid waste collection and disposal services.
(Ord. 1993-18, 10-01-1993)

8-3-6. Residential solid waste collection fees.

(1) Each owner or occupant of real property located within the City which has one or more residences located thereon shall be billed and assessed on a monthly basis charges for collection, removal and disposal services for residential solid waste and fees for City-provided approved garbage containers. Such charges and fees shall be established by resolution of the city council and shall be billed and collected by the City finance department as a part of the regular billing and collection system of Tooele City. This shall include the collection of delinquent fees.

(2) Fees for garbage pickup and can rental may be terminated only when a responsible party requests in writing that Tooele City terminate all of it's utility services to the affected property.

(3) In the event that a responsible party fails or neglects or refuses to pay any fee as required by this Chapter, the City may at its discretion and after notice, terminate its utility service to the affected residence or institute a civil action to recover the delinquency, together with interest at the rate of 18% per annum and a reasonable attorney's fee.

(4) It shall be unlawful for any owner or occupant to fail to pay any fee required by this Chapter or required by a resolution adopted pursuant to this Chapter, or to seek to avoid the payment of fees legally owed.
(Ord. 1993-18, 10-01-1993)

8-3-7. Garbage containers and rental fees.

(1) Solid waste shall be collected by the City or its agent from residential users only in containers approved and issued to them by the City. The use of any other type of containers or the use of approved containers issued to another residence is unlawful and prohibited. All other solid waste not collected by the City shall be placed in suitable and sufficient garbage receptacles, either with tight fitting lids or durable water resistant containers manufactured specifically for use in solid waste collection.

(2) Every residential user shall be issued at least one approved garbage container by the City. Title to containers furnished by the City to residential users shall be retained by the City and the payment made by the residents therefor shall be rental for the use thereof. Rental fees for containers shall be established by resolution of the city council. Rental fees for garbage containers may be prorated for any part of a month that water service is supplied. Garbage container rental fees shall be charged and collected in the same manner as the charge for solid waste collection services.

(3) Users renting containers furnished by the City, or having custody thereof, shall keep the container free from destructive or decorative markings, shall maintain the original color thereof, and shall keep the inside of said containers clean and free from build-up of fungus or bacteria or any other type of contaminant that causes odors or facilitates deterioration of the inside or outside of such container. Users shall be responsible for containers and shall not be negligent in the use of the containers.

(4) Residential users shall report to the City, or authorized garbage hauler, any damage to or malfunctioning containers that limit their usefulness for receipt of solid waste so that the same may be returned to the supplier for repair or replacement if they are covered by warranty, or for repair for replacement by the City or its agent.

(5) Containers shall not be removed from the premises that they have been assigned to. The owner, lessee, or occupant of each residence shall be held responsible for each container issued to that residence. No hot ashes or flammable or explosive materials shall be deposited in a garbage container. A purchase fee, based on the cost to the City at the current rate, will be charged to anyone who damages, removes, or loses a garbage container from the property that the container has been assigned to. The purchase fee may be added to the collection fees and collected in the same manner.

(6) Containers furnished by the City are issued to specific users by number and are nontransferable. Upon discontinuance of use by a resident, containers shall be returned to the City or its designated agent.
(Ord. 2024-05, 03-20-2024) (Ord. 1993-18, 10-01-1993)

8-3-8. Additional containers.

(1) Should a residential user determine that an additional container is necessary, a request may be made to the City for an additional container or containers.

(2) Additional containers will be provided to a user at an additional charge per month which charge shall be set by resolution of the city council. Such charge shall be incurred for a minimum of four months.

(3) At such time the user determines the additional container or containers are no longer needed, the user shall return said container(s) to the City at which time the additional charge will be deleted from the billing provided the four months minimum has been met. If an additional container is not returned to the City, charges for such container shall continue on a month-to-month basis until returned.

(4) Additional containers may be rented subject to availability of the containers to the City. Providing initial containers to new residents will take priority over providing additional containers to residents who already have been issued one container.
(Ord. 1993-18, 10-01-1993)

8-3-9. Time and place of pickup.

(1) All residential solid waste containers shall be placed on the edge of the street next to the driveway on the opposite side of the driveway approach from the mailbox, but in no event within ten feet of a mailbox, and with the container's wheels as close to the curb or edge of the road as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. When snow or street construction prevents placing of the container against the curb, the container shall be placed not over two feet from the edge of said snow or construction and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the City. In areas of the City where there is no curb or gutter, containers shall be placed off of the traveled portion of the street but close enough to the street that the container can be picked up without undue difficulty.

(2) Containers shall not be placed or permitted to block driveways or through traffic.

(3) Unless otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to 7:00 a.m. on the day of collection.

(4) All empty containers must be removed from the street as soon as practicable after being emptied, and in every case must be removed from the street the same day they are emptied.

(5) Those physically unable to wheel containers to curbside may make arrangements with the City for assistance.

(6) It shall be unlawful to park a vehicle upon a public street within the City during the hours of garbage pickup in a manner that interferes with access to garbage containers by the garbage collection vehicle.
(Ord. 1993-18, 10-01-1993)

8-3-10. Closing of garbage containers required.

No garbage containers shall be overfilled to the extent that the lid does not remain firmly closed at all times or to such an extent that the contents may be spilled during the process of pickup and dumping into the garbage collection vehicle.
(Ord. 1993-18, 10-01-1993)

8-3-11. Accumulation or disposal of solid waste prohibited.

It shall be unlawful for any person to accumulate solid waste or cause solid wasted to be deposited upon any street or alley or upon any premises in the City without express permission from the City or the County Health Department. No person shall for the purpose of final disposal dump, place or bury any solid waste within the incorporated areas of the City. No person shall for the purpose of final disposal, burn solid waste within the incorporated limits of the City except burning for agricultural purposes and then only when approved by the City or the County Health Department. All solid waste generated within Tooele City shall be transported and delivered to a Tooele City designated and approved solid waste disposal facility.
(Ord. 1993-18, 10-01-1993)

8-3-12. Unlawful use of solid waste containers.

It shall be unlawful for commercial users to deposit commercial solid waste in residential containers. It shall be unlawful for residential users to deposit residential solid waste in any commercial user's solid waste containers.
(Ord. 1993-18, 10-01-1993)

8-3-13. Covering of vehicles required. (Repealed.)
(Ord. 2020-14, 04-15-2020) (Ord. 1993-18, 10-01-1993)

8-3-14. Burning of solid waste; recreational fires. (Renumbered. Reference Title 3, chapter 1.)
(Ord. 2017-23, 08-16-2017) (2012-08, 03-21-2012)

8-3-15. Regulations.

The city council or city engineering department may adopt such regulations from time to time as, in its opinion may be necessary to implement the provisions of this Chapter.
(Ord. 1993-18, 10-01-1993)

8-3-16. Civil Penalty.

(1) Any violation of this Chapter shall be punishable by a civil penalty of $100.

(2) Each day of violation shall be a separate violation subject to an additional civil penalty.
(Ord. 2020-10, 04-15-2020) (Ord. 1993-18, 10-01-1993)

8-3-17. Unlawful to allow garbage to accumulate.

It shall be unlawful for any person to allow garbage or other refuse to accumulate upon the premises occupied by such person.
(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-18. Befouling gutters and ditches.

It shall be unlawful for any person to sweep or deposit any paper or other rubbish in any gutter or ditch within the garbage district.
(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-19. Dumping of garbage and waste.

It shall be unlawful for any person to dump, deposit,

leave or cause or permit to be dumped, deposited or left, any garbage or offensive material, vegetable waste, or any other waste food products, animal by-products, ashes, or any other refuse or waste material, except at such times and places as may be designated by the Mayor in accordance with the terms of this chapter.
(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-20. Dumping of refuse in designated areas.

No refuse, ashes or like waste material shall be dumped or deposited at any place within the city, except at the city disposal area or such places as shall be designated by the Mayor as authorized disposal areas, and all such dumping shall be done in accordance with the rules and regulations established by the Mayor.
(Ord. 2016-03, 01-20-2016) (Ord. 1967-3, 08-14-1967)

8-3-21. Appeals.

A person subject to a civil penalty for violation of this Chapter may appeal the penalty within 10 calendar days as provided in Chapter 1-28 (Administrative Hearing Officer).
(Ord. 2020-10, 04-15-2020)

CHAPTER 4. ABATEMENT OF NUISANCES

8-4-1. Purpose.
8-4-2. Declaration regarding nuisances.
8-4-3. Definitions.
8-4-4. Nuisances and other unlawful conditions.
8-4-5. General enforcement authority.
8-4-6. Criminal penalties.
8-4-7. Civil penalties.
8-4-8. Nuisance abatement. (Repealed)
8-4-9. Notice of violation: content, extension.
8-4-10. Notice of violation: service.
8-4-11. Notice of violation: penalties.
8-4-12. Notice of violation: appeal.
8-4-13. Notice of violation: default judgment.
8-4-14. Notice of compliance.
8-4-15. Code enforcement order: authority.
8-4-16. Code enforcement order: enforcement.
8-4-17. Code enforcement order: appeal.
8-4-18. Stipulation agreement.
8-4-19. Recordation.
8-4-20. Withholding permits; appeal.
8-4-21. Abatement: emergency.
8-4-22. Abatement: non-emergency.
8-4-23. Recovery of Fees and Costs.
8-4-24. Abatement superfund.

8-4-1. Purpose.

The purposes of this Chapter include the protection of the public health, safety, and general welfare, and the implementation of City policies to promote the neat and orderly appearance of Tooele City.
(Ord. 2014-13, 10-15-2014) (Ord. 2006-08, 03-01-2006) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

8-4-2. Declaration regarding nuisances.

It is hereby declared that weeds, motor vehicles, objects, structures, graffiti, and certain conditions constitute a nuisance when they create a fire hazard, a source of contamination or pollution of water, air, or land, a threat to human health or safety, a breeding place or habitation for insects or rodents or other pests or vermin, or are unsightly, malodorous, or deleterious.
(Ord. 2014-13, 10-15-2014) (Ord. 2006-08, 03-01-2006) (Ord 2004-22, 12-15-2004)

8-4-3. Definitions.

"Abandoned motor vehicle" means any motor vehicle which displays common indicia of abandonment.

"Abate" meant to effectuate an abatement.

"Abatement" means any action or proceeding commenced or pursued by the City to remove, alleviate, or correct a nuisance or other violation of this Chapter.

"Abatement period" means the 14-day period, beginning upon service of a notice of violation, within which abatement by a responsible person is required to be completed.

"Administrative hearing officer" means an administrative hearing officer appointed under Chapter 1-28 of this Code.

"Association" means any business entity, including, without limitation, corporation, partnership, company, business, but not an individual.

"Code enforcement order" means an order issued by an administrative hearing officer in the context of an abatement commenced pursuant to this Chapter.

"Code enforcement performance bond" means a cash bond required by an administrative hearing officer and posted by a responsible person to gain compliance with this Chapter or with a code enforcement order.

"Code enforcement tax lien" means a lien recorded with the Tooele County Recorder and County Treasurer to facilitate the collection of all abatement-related costs, including monetary penalties, administrative fees, filing fees, and other reasonable and related costs.

"Department" means the Tooele City Community Development Department.

"Developed land" means real property, whether subdivided or not, upon which is built one or more buildings.

"Director" means the director of the Tooele City Community Development Department.

"Good cause" means incapacitating illness or accident, death of a parent, sibling, or child, lack of proper notice, or unavailability due to unavoidable and non-preventable emergency or circumstance.

"Graffiti" means any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any implement or material.

"Imminent hazard" means any condition that creates a present and immediate danger to the public health, safety, or welfare.

"Inoperable motor vehicle" means any motor vehicle which is mechanically not functionable for a period of over 30 days. The 30-day period may be extended by the Community Development Director for a maximum of 6 months upon proof by the owner of ongoing restoration.

"Junked motor vehicle" means a motor vehicle which has outlived its usefulness in its original form and which is commonly gathered up and sold to be converted into another product, either of the same or of a different kind, or as scrap.

"Monetary penalty" means the civil fines accrued for failure to complete an abatement. Monetary penalty does not include appeal filing fees, reinspection fees, or abatement costs.

"Motor vehicle" means any motorized vehicle which initially was designed or constructed to be self-propelled. The term "motor vehicle" includes, without limitation, automobiles, motorcycles, and heavy equipment.

"Notice of compliance" means a document issued by the City confirming that a responsible person has abated the nuisance and corrected the violations set out in a notice of violation, paid all fees, penalties, and costs associated with the notice of violation, and otherwise has fully complied with the requirements of this Chapter, all as determined by an officer.

"Notice of violation" means a document prepared and issued by an officer that informs a responsible person of a nuisance or other violation of this Chapter, and that contains an order to abate the nuisance or correct the violation.

"Nuisance" means anything offensive or obnoxious to the health, safety, or welfare of the inhabitants of the City; or any act or thing repugnant to, creating a hazard to, or having a detrimental effect on the property of another person or to the community, and includes, but is not limited to, the following:

(a) A nuisance or public nuisance as defined by Utah law.

(b) Junked, wrecked, abandoned, or inoperable motor vehicles not kept as provided in this Chapter.

(c) Any attractive nuisance which may prove detrimental to children, whether in a building, on the premises of a building, or upon undeveloped or unimproved land. This includes any abandoned wells, shacks, basements, or excavations; abandoned refrigerators; any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

(d) Whatever is dangerous or detrimental to human life or health as determined according to the ordinances of Tooele City or Tooele County.

(e) Overcrowding a room with occupants so as to exceed the weight-carrying capabilities of the structure as determined by the Building Official, based upon the International Building Code or International Fire Code specifications for a similar structure.

(f) Insufficient ventilation or illumination as determined by the requirements of the International Mechanical Code.

(g) Inadequate or unsanitary sewage or plumbing facilities as determined by the International Plumbing Code.

(h) Uncleanliness as determined according to the ordinances of Tooele City or Tooele County.

(i) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings as determined according to the ordinances of Tooele City or Tooele County.

(j) To conduct any business of bone crushing or the making of glue or the manufacturing process involving the carcasses of dead animals or parts thereof in a manner that the odor or activities are obvious to 3 or more persons within 50 feet of the premises upon which the activity is conducted.

(k) To allow snow, ice, hail, or sleet to accumulate on any paved sidewalk abutting the property of any owner, occupant, or lessor, or to place or propel, or cause to be placed or propelled, snow, ice, or hail in the public way or in any manner which poses a hazard to vehicular or pedestrian traffic.

(l) To allow any lot or excavation to become the repository of stagnant water or decaying or offensive substances.

(m) To allow the growth of weeds or other offensive, noxious, hazardous, or undesirable vegetation upon property.

(n) To allow the existence of refuse or unsightly or deleterious objects, structures, or mechanical devices upon property.

(o) Graffiti upon any real property or appurtenant or accessory structures or fixtures.

"Officer" means Administrative Code Enforcement Officer and Ordinance Compliance Officer.

"Responsible person" means any property owner, occupant, or other person or association with control over property who allows, permits, causes, or maintains a nuisance or a violation of this Chapter to exist upon the property owned, occupied, or controlled. Use of the singular "person" in this Chapter includes the plural "persons."

"Undeveloped land" means real property that is subdivided into one or more building lots or parcels of record which are not built upon.

"Unimproved land" means real property that is not built upon with a primary structure.

"Violation" means any violation of this Chapter.

"Wrecked motor vehicle" means a motor vehicle which has been destroyed, disabled, or seriously damaged. (Ord. 2017-32, 11-15-2017) (Ord 2017-17, 06-21-2017) (Ord. 2014-13, 10-15-2014) (Ord. 2006-08, 03-01-2006) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

8-4-4. Nuisances and other unlawful conditions.

(1) It shall be unlawful for any person or association owning, occupying, or otherwise exercising control over real property in Tooele City to allow, permit, cause, or maintain a nuisance, including any of the following:

(a) weeds and/or grass,

(i) in the public right-of-way between the property line and the edge of street pavement of excessive height to create visual obstructions for vehicles and/or pedestrians at driveways and intersections;

(ii) on any land less than 1 acre in size where weeds may create fire hazard and/or nesting conditions for vermin and other feral animal; or,

(iii) within 30 feet of the property line of any land of 1 or more acres in size, weeds shall be cut and maintained less than 6 inches in height;

(iv) weeds in excess of 6 inches in all commercial and industrial zoning districts.

(b) the accumulation of garbage, refuse, or unsightly or deleterious objects or structures upon real property, unless contained in connection with an association lawfully situated and licensed for the same;

(c) junked, wrecked, inoperable, or abandoned motor vehicles upon real property, except that up to 2 such vehicles or parts thereof may be stored within an enclosed building or completely screened by a sight-obscuring fence;

(d) any other unsightly or deleterious condition that gives rise to a threat to human health or safety; and,

(e) the failure, by any person owning, occupying, or exercising control over any real property within the City, to remove graffiti from the property.

(2) Automobile impound yards and wrecking yards, which are lawfully established, licensed, and operated within the City, are not a nuisance under this Chapter if the yards are completely screened by a sight-obscuring fence and are compliant with all Tooele City conditional use permit, site plan, building permit, and other City requirements.
(Ord. 2025-06, 04-02-2025) (Ord. 2023-25, 06-07-2023) (Ord. 2017-32, 11-15-2017) (Ord 2017-17, 06-21-2017) (Ord. 2014-13, 10-15-2014) (Ord. 2014-04, 02-05-2014) (Ord. 2006-08, 03-01-2006) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

8-4-5. General enforcement authority.

(1) Officer. An officer as defined in this Chapter has the authority to abate and to gain compliance with the provisions of this Chapter upon finding that a violation of this Chapter exists. An officer may commence administrative investigation procedures, assist with criminal investigation procedures at the request of the police department, commence administrative enforcement procedures, issue notices of violation and notices of compliance, issue civil citations for violations of this Chapter, inspect public and private property, and abate nuisances upon public and private property

(2) Police Department. A Tooele City peace officer has the same authority as an officer, and is further authorized to commence criminal investigation and enforcement procedures, including criminal citation and arrest.

(3) Discretion. The City has the sole discretion in commencing or pursuing abatement and enforcement, and to otherwise gain compliance with this Chapter. Nothing shall require an officer or a peace officer to commence or pursue an abatement or enforcement, or other action to gain compliance with this Chapter. The City recognizes the principle of prosecutorial discretion in the context of this Chapter.

(4) Inspection. Any officer or peace officer has authority to enter upon property and premises to perform inspections, examinations, and surveys as may be necessary to gain compliance with this Chapter, including the taking of photographs, samples, or other physical evidence. All inspections, examinations, and surveys requiring entry onto private property or premises shall be accompanied by a warrant, be done in a reasonable manner, and be based upon probable cause. However, no warrant shall be required where a responsible person's or property owner's consent, as applicable, is voluntarily given, or where the inspection, examination, or survey is conducted from a public right-of-way or from another property whose owner or occupant has given voluntary consent to enter.
(Ord. 2023-25, 06-07-2023) (Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

8-4-6. Criminal penalties.

(1) In addition to other penalties provided in this Chapter, the following shall be a class B misdemeanor criminal offense:

(a) any violation of this Chapter;

(b) any violation of a code enforcement order; and,

(c) any failure to remedy a violation described in a notice of violation.

(2) An individual person convicted of a criminal offense shall be sentenced to pay a fine up to $1000. An association convicted of a criminal offense shall be sentenced to pay a fine up to $5,000.

(3) Restitution. In addition to any fines imposed, any individual or association convicted of a criminal offense shall pay to the City restitution for all expenses incurred by the City to abate the nuisance or to correct the violation for which the individual or association was charged.

(4) Each and every day that a violation of this Chapter continues after being charged, by criminal citation or Information, shall constitute a separate criminal offense. Penalties for separate criminal offenses may be imposed consecutively.

(5) A criminal prosecution brought under this Chapter is not an exclusive remedy and shall not preclude the City from commencing and pursuing an administrative or civil proceeding to abate a nuisance or to correct a violation of this Chapter.
(Ord. 2023-25, 06-07-2023) (Ord. 2014-13, 10-15-2014) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

8-4-7. Civil Penalties.

(1) In addition to other penalties and abatement procedures provided in this Chapter, a violation of this Chapter is a civil infraction.

(2) A violation of this Chapter committed by an individual shall result in a civil citation and be punishable as follows:

(a) first violation: written warning;

(b) second violation: $50 fine;

(c) third violation: $200 fine;

(d) fourth and subsequent violations: $500 fine.

(3) A violation of this Chapter committed by a business entity shall result in a civil citation and be punishable as follows:

(a) first violation: written warning;

(b) second violation: $100 fine;

(c) third violation: $500 fine;

(d) fourth and subsequent violations: $1,000 fine.

(4) Compliance.

(a) An individual or business entity served with a civil citation shall eliminate the cited violation.

(b) Failure to fully eliminate a cited violation within 14 days after a written warning for a first violation shall constitute a second violation.

(c) Failure to fully eliminate a cited violation within 7 days after a citation for a second or subsequent violation shall be a further violation.

(5) Form. Civil citations for violations of this Chapter shall be on a form approved by the Chief of Police or other department head responsible for nuisance

abatement, and the City Attorney.

(6) Service.

(a) Civil citations for violations of this Chapter shall be served by one or more of the following methods:

(i) regular mail, first-class postage prepaid, to both:

(A) the last known address of an owner of the property upon which the violation exists, as found in the records of the Tooele County Recorder; and,

(B) the address of the property upon which the violation exists; or,

(ii) certified U.S. mail, return receipt requested, to the last known address of an owner of the property upon which the violation exists, as found in the records of the Tooele County Recorder; or,

(iii) personal delivery to an owner of the property upon which the violation exists; or,

(iv) affixing the citation in a conspicuous place upon the property upon which the violation exists.

(b) Service by regular mail shall be deemed made on the third day after the date of mailing.

(6) Appeals. Appeals of civil citations issued pursuant to this Section shall be to the Administrative Hearing Officer under Chapter 1-28, and filed within 10 calendar days of service of a civil citation.

(7) Collection. The City may use all available legal remedies for collection of unpaid fines imposed under this Section.

(8) Nuisance abatement. A violation of this Chapter continuing after issuance of a civil citation and after expiration of the compliance period may be abated under other provisions of this Chapter.

(Ord. 2023-25, 06-07-2023) (Ord. 2014-13, 10-15-2014) (Ord. 2013-07, 04-18-2013) (Ord. 2006-08, 03-01-2006) (Ord. 2006-02, 01-04-2006) (Ord. 2004-22, 12-15-2004)

8-4-8. Nuisance abatement. (Repealed.)

(Ord. 2014-13, 10-15-2014)

8-4-9. Notice of violation: content, extension.

(1) An abatement is commenced by the issuance and service of a notice of violation.

(2) Content. A notice of violation shall indicate the following:

(a) the nature of the nuisance or other violation of this Chapter;

(b) the street address and parcel number for the property upon which the nuisance or violation exists;

(c) the name of the property owner of record according to the records of the Tooele County Recorder;

(d) the date of the nuisance or violation;

(e) the penalties associated with the nuisance or violation;

(f) the abatement required;

(g) the abatement period;

(h) the contact information for the officer with whom the notice of violation may be discussed;

(i) the procedure for obtaining a notice of compliance; and,

(j) the procedure for filing an appeal.

(3) Extension. A responsible person may request a 14-day extension of the abatement period by submitting a written request to the Department during the abatement period. An approved extension shall result in an amended notice of violation which establishes a new abatement period. An extension request shall state and affirm the following:

(a) the responsible person understands that the extension is conditioned upon the responsible person's waiver of the right to appeal the notice of violation;

(b) the responsible person is actively engaged in the abatement required by the notice of violation; and,

(c) the responsible person is unable to complete abatement during the abatement period due to circumstances that are unusual, extraordinary, or outside the responsible person's control.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-10. Notice of violation: service.

(1) A notice of violation shall be served by one or more of the following methods:

(a) regular mail, first-class postage prepaid, to both:

(i) the last known address of a responsible person as found in the records of the Tooele County Recorder; and,

(ii) the address of the property subject to the notice of violation; or,

(b) certified U.S. mail, return receipt requested, to the last known address of a responsible person, as found in the records of the Tooele County Recorder; or,

(c) personal delivery to a responsible person; or,

(d) posting of the notice of violation upon the property or premises which is the subject of the notice of violation.

(2) Service by regular mail shall be deemed made on the third day after the date of mailing.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-11. Notice of violation: penalties.

(1) The monetary penalties associated with abatement shall be established by resolution of the Tooele City Council.

(2) The monetary penalties associated with a notice of violation shall accrue daily until the earlier of the following occurs:

(a) the abatement period ends; or,

(b) a notice of compliance is issued by an officer; or,

(c) a code enforcement order halting, modifying, or suspending the penalties is issued.

(3) Accrued monetary penalties (but not abatement costs) associated with a notice of violation shall be suspended upon:

(a) the responsible person causing the nuisance or other violation described in the notice of violation to be corrected during the abatement period or amended abatement period;

(b) the responsible person requesting an

inspection from the City during the abatement period; and,

(c) a notice of compliance being issued in response to the request for inspection.

(4) The suspension of monetary penalties associated with a notice of violation shall continue and become permanent if during the 12 months immediately following the date of the notice of compliance there is no recurrence of substantially the same nuisance or violation.

(5) If a responsible person fails to correct the nuisance or violation described in a notice of violation during the abatement period, or if the responsible person commits or allows substantially the same nuisance or violation to occur during the 12 months immediately following the date of a notice of compliance, all monetary penalties that began to accrue daily on the date of the original notice of violation shall be owed in full to the City.

(6) In the event of multiple responsible persons associated with a notice of violation, default judgment, or code enforcement order, all responsible persons shall be jointly and severally liable for abatement, for compliance with any orders, and for payment of any monetary penalties and costs.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-12. Notice of violation: appeal.

(1) A responsible person served with a notice of violation may appeal to the administrative hearing officer.

(2) A code enforcement order that upholds some but not all of the violations described in a notice of violation shall have the effect of amending the notice of violation and resetting the date of the notice of violation and the abatement period.

(3) A notice of violation that is amended by order or decision of the administrative hearing officer is a code enforcement order and is not administratively appealable to the administrative hearing officer.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-13. Notice of violation: default judgment.

(1) A responsible person who fails to request a compliance inspection during the abatement period and who does not timely appeal the notice of violation is deemed to have waived any administrative appeal rights associated with a notice of violation and shall be subject to the entry of default judgment upholding the notice of violation. The default judgment shall direct the abatement and impose the monetary penalty, fees, and costs associated therewith.

(2) A default judgment shall be issued by the administrative hearing officer upon officer affidavit that a responsible person both failed to request a timely compliance inspection and failed to make a timely appeal.

(3) A copy of a signed default judgment shall be served on all affected responsible persons by any method of service allowed for a notice of violation.

(4) A responsible person adversely affected by a default judgment may appeal the default judgment to the administrative hearing officer. The administrative hearing officer may set aside a default judgment only upon a written finding of good cause shown by the appealing responsible person.

(5) Following the issuance of a default judgment and the failure to timely appeal the default judgment, or following the issuance of a code enforcement order upholding the default judgment, the City may forthwith proceed to abate the nuisance or violation described in the default judgment, and may forthwith proceed to collect all accrued monetary penalties and costs associated with the abatement.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-14. Notice of compliance.

(1) It shall be the duty of a responsible person served with a notice of violation to request a City compliance inspection when the described nuisance or violation has been abated.

(2) It is prima facie evidence that the nuisance or violation is continuing if no compliance inspection is requested.

(3) The City shall perform the requested compliance inspection. If the officer finds that the nuisance or violation for which the notice of violation was issued has been abated fully, the officer shall issue a notice of compliance to the responsible person requesting the compliance inspection.

(4) A notice of compliance shall be deemed effective upon the day of the inspection that determined full compliance. No further monetary penalties shall accrue after this date unless the same or a similar nuisance or violation occurs within the 12 months immediately following the notice of compliance.

(5) If, following a request for compliance inspection, the City declines to issue a notice of compliance, it remains the duty of the responsible person to request a reinspection once further abatement is completed.

(6) The first compliance inspection shall not require the payment of a fee. All reinspections shall require the payment of a fee established by the City Council.

(7) If the City declines to issue a notice of compliance, it shall provide a written explanation to the responsible party requesting the compliance inspection.

(8) A responsible person may appeal the denial of a notice of compliance to the administrative hearing officer.

(9) A request for compliance inspection or reinspection shall toll the abatement period and the accrual of monetary penalties until the issuance of written reasons for the denial of a notice of compliance or until the occurrence of substantially the same nuisance or violation with the 12 months immediately following the notice of violation.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-15. Code enforcement order: authority.

In addition to the authority granted under Chapter 1-28 of this Code, the administrative hearing officer shall have authority to do the following:

(1) upon appeal, to uphold, modify, or reject a notice of violation, and to issue a code enforcement order to that effect;

(2) upon appeal, to uphold, modify, or reject a notice of compliance, and to issue a code enforcement order to that effect;

(3) upon officer affidavit, to issue a default judgment;

(4) upon appeal, to uphold, modify, or reject a default judgment, and to issue a code enforcement order to that effect;

(5) upon appeal, to uphold, modify, suspend, dismiss, or order the payment of monetary penalties associated with a notice of violation, and to issue a code enforcement order to that effect;

(6) upon appeal, to establish a payment plan for payment of monetary penalties associated with a notice of violation, and to issue a code enforcement order to that effect;

(7) to make written findings of fact and conclusions of law associated with a code enforcement order;

(8) to issue a code enforcement order requiring a responsible person to post a cash code enforcement performance bond and to sign an associated bond agreement prepared by the City Attorney;

(9) to issue a code enforcement order for the return of the cash code enforcement performance bond to the posting responsible person;

(10) to incorporate a stipulation agreement into a code enforcement order;

(11) to declare a code enforcement tax lien released and/or fully satisfied, and to issue a code enforcement order to that effect; and,

(12) to issue any other lawful code enforcement order regarding any aspect of abatement.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-16. Code enforcement order: enforcement.

The City may use all lawful means to enforce a code enforcement order, including a default judgment, and to recover all costs associated with such enforcement.

(Ord. 2014-13, 10-15-2014)

8-4-17. Code enforcement order: appeal.

A responsible person subject to a code enforcement order may appeal to a court in the manner provided in Chapter 1-28 of this Code.

(Ord. 2014-13, 10-15-2014)

8-4-18. Stipulation agreement.

The City may enter into a stipulation agreement with a responsible person to resolve a notice of violation. A signed stipulation agreement shall be delivered to the administrative hearing officer, who shall issue a code enforcement order incorporating the stipulation agreement. By entering into a stipulation agreement, a responsible person waives all administrative and judicial appeals associated with the notice of violation.

(Ord. 2014-13, 10-15-2014)

8-4-19. Recordation.

(1) If a nuisance or violation continues to exist after the abatement period, and the notice of violation has not been appealed, an officer may record the notice of violation, together with any default judgment and code enforcement order, with the office of the Tooele County Recorder. This recordation is not a lien against property, but a notice concerning any continuing nuisance or violation found upon the property.

(2) If a notice of compliance or code enforcement order finding compliance is issued after a notice of violation, default judgment, or code enforcement order has been recorded, the officer shall cause the notice of compliance or code enforcement order finding compliance to be recorded with the office of the Tooele County Recorder. This recordation shall have the effect of updating and nullifying a previously recorded notice of violation, default judgment, or code enforcement order to which it relates.

(3) Notice of any recordation shall be served upon the owners of the real property against which a recordation has been made. The failure to serve such notice shall not be grounds to void the recordation.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-20. Withholding permits; appeal.

(1) During the pendency of any unresolved notice of violation or code enforcement order, the City may withhold from a responsible person subject to the notice or order any permit, license, or land use approval associated with the property upon which the nuisance or violation of this Chapter continues. The withholding shall continue until the issuance of a notice of compliance or code enforcement order finding compliance.

(2) The withholding of a permit, license, or land use approval pursuant to authority of this Section may be appealed to the administrative hearing officer.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-21. Abatement: emergency.

(1) The City is authorized to summarily abate an imminent hazard.

(2) Whenever an officer and the Director determine that an imminent hazard exists, the officer may issue an emergency order directing one or more of the following actions:

(a) order the immediate vacation of any owners, tenants, and occupants, and prohibit occupancy until all imminent hazards have been abated;

(b) post the property or premises as unsafe, substandard, or dangerous;

(c) board, fence, and otherwise secure any property or premises;

(d) raze, grade, and otherwise remove structures and objects on the property to the extent necessary to remove any imminent hazard;

(e) make emergency repairs;

(f) cut and remove weeds, grass, and other vegetation as necessary to mitigate an imminent fire hazard due to vegetation height, concentration, dryness, or other combustibility factors; and,

(g) take any other reasonable action to eliminate an imminent hazard or to protect the public from an

imminent hazard.

(3) A notice of violation shall be served upon a responsible person associated with an imminent hazard. The notice shall describe the nature of the imminent hazard. Service is not required prior to taking steps to abate an imminent hazard.

(4) City personnel and agents may enter property or premises without a warrant to the extent necessary to abate an imminent hazard.

(5) The City shall pursue only the minimum level of abatement necessary to abate an imminent hazard under this Section. Once an imminent hazard is abated sufficiently to constitute a nuisance or violation that is not an imminent hazard, the City shall follow the procedures of this Chapter for non-emergency abatement.

(6) A responsible person shall be liable for all costs associated with the abatement of an imminent hazard.

(7) Promptly after an emergency abatement, an officer shall notify a responsible person of the abatement actions taken, the itemized costs for those actions, and the location of any seized and removed personal property.

(8) A responsible person may appeal the costs of an emergency abatement to the administrative hearing officer.

(Ord. 2017-32, 11-15-2017) (Ord 2017-17, 06-21-2017) (Ord. 2014-13, 10-15-2014)

8-4-22. Abatement: non-emergency.

(1) If a responsible person fails to abate a nuisance or violation within the abatement period or within the deadline established in a code enforcement order, the City is authorized to abate the nuisance or violation.

(2) The City and its agents have authority to enter upon any property or premises as may be necessary to abate a nuisance or violation. Such entry onto a private property or premises shall be accompanied by a warrant, be done in a reasonable manner, and be based upon probable cause. However, no warrant shall be required where a responsible person's consent is voluntarily given.

(3) A responsible person shall be liable for all costs associated with the abatement. If the City undertakes preparatory or other steps to perform an abatement, but the responsible person completes the abatement before the City begins or completes the abatement, the responsible person shall remain responsible for the City's preparatory and other costs.

(4) Promptly after an abatement, an officer shall notify a responsible person of the abatement actions taken, the itemized costs for those actions, and the location of any seized and removed personal property.

(5) A responsible person may appeal the costs of an abatement to the administrative hearing officer.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-23. Recovery of Fees and Costs.

(1) As provided in U.C.A. Sections 10-11-3 and -4, as amended, and after any established deadlines for the payment of monetary penalties and abatement-related fees and costs has passed, the officer may file and record with the Tooele County Recorder and Treasurer a code enforcement tax lien and an itemized statement of all such penalties, fees, and costs.

(2) Upon full payment of all amounts owing under a code enforcement tax lien, or upon the entry of a code enforcement order or judicial order declaring the lien amount satisfied, the City shall file and record an appropriate notice of satisfaction and/or release of lien.

(3) The City may pursue all lawful means to recover all penalties, fees, and costs imposed or incurred pursuant to this Chapter.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

8-4-24. Abatement superfund.

There is hereby established a revolving fund, to be known as the abatement superfund, to defray the costs of abatement. The abatement superfund shall be funded by monetary penalties, compliance reinspection fees, appeal fees, and other fees and costs collected pursuant to this Chapter.

(Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014)

CHAPTER 5. WASTEWATER CONTROL ORDINANCE GENERAL PROVISIONS.

8-5-1. Short title.
8-5-2. Purpose.
8-5-3. Definitions and abbreviations.
8-5-4. Supervision.
8-5-5. General provisions.
8-5-6. Mandatory Connections.

8-5-1. Short title.

This regulation, Tooele City Code Title 8, Chapters 5 through 13, shall be known as the "Wastewater Control Ordinance."
(Ord. 1993-12, 09-20-1993)

8-5-2. Purpose.

It is necessary for the health, safety, and welfare of the residents within the City of Tooele Publicly Owned Treatment Works (POTW) to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The provisions herein set forth are uniform requirements for contributors into the wastewater collection and treatment system for the POTW and enables the POTW to comply with all applicable local, state, and federal laws and regulations. The POTW may adopt procedures and rules for the implementation, administration, and enforcement of this Wastewater Control Ordinance.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-5-3. Definitions and abbreviations.

(1) Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Title, shall have the meanings hereinafter designated:

"Biochemical Oxygen Demand" or "BOD5" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter (mg/L) using methods approved under 40 CFR Part 136, as amended.

"Building or lateral sewer" means a privately owned and maintained sewer conveying the wastewater of a user from a building or other structure to a POTW sewer, including direct connections to a POTW sewer where permitted by the POTW. A later sewer is a building sewer.

"City" means Tooele City.

"Construction standards" means the general construction requirements adopted by the POTW for installation of sewerage facilities and building or lateral sewers.

"Duplex" means a single building containing two independent dwelling units.

"Dwelling unit" means a building or other structure where an individual or family resides as a separate housekeeping unit.

"Family" as defined in Toole City Code Section 7-1-5.

"Food preparation and processing establishments" means establishments engaged in the preparation of food or drink to be consumed on the premises and/or to be delivered or picked up for resale and/or consumption.

"Garbage" means solid wastes from the preparation, cooking, and dispensing of food and from handling, storage, and sale of food.

"Multiple dwelling unit" means any building or other structure, having more than one dwelling unit therein.

"Normal Domestic Strength Wastewater" means wastewater, when analyzed in accordance with procedures established in 40 CFR Part 136, as amended, containing no more than two hundred (200) mg/L of BOD5 and/or two hundred fifty (250) mg/L of TSS. Discharges to the POTW that exceed these concentrations may be surcharged as specified in Section 8-10 of this Title.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by context.

"Publicly Owned Treatment Works" or "POTW" is a treatment works as defined by Section 212 of the Act (33 U.S.C 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any sewers, pipes, or other conveyances which convey wastewater to the treatment plant. The term also means the municipality having jurisdiction over the industrial user discharges to and the discharges from the treatment works.

"POTW treatment plant" means that portion of the POTW designed to provide treatment for wastewater.

"POTW sewer" includes POTW sewer main or wastewater conveyance pipes, whether gravity or force main flows, and owned and operated by the City.

"Sanitary sewer" or "sewer" means the pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms "public sewer," "sewer system," "POTW sewer" and "sewer."

"Service charge" means the basic assessment levied on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal sewage.

"Sewage" see "Wastewater".

"Shall" and "will" are mandatory; "may" is permissive.

"Single dwelling unit" means a building containing one dwelling unit.

"State" means the State of Utah.

"Storm sewer" or "storm drain" shall mean every pipe, culvert, flume, ditch, gutter, storm sewer, cistern,

tank, drain, lake, pond, stream, ravine, gully, or other facility or natural feature, that contains, holds, transports, diverts, channels, impounds, or drains water, into which any naturally occurring stormwater runoff within the City may seep, percolate, or flow; and every street, sidewalk, alley, gutter, roof, parking lot, yard, field, driveway, patio, and other surface within the City across which any naturally occurring stormwater runoff may seep, percolate, or flow.

"Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation, including snowmelt.

"Subdivision" means the division of a tract, or lot, or parcel of land into two three 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 or for commercial, manufacturing, or industrial purposes shall be exempt. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision or which a plat has theretofore been recorded in the office of the county recorder. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as herein defined.

"Surcharge" means an additional charge to an industrial user whose discharge waste strength is in excess of the Normal Domestic Strength Wastewater as defined in this Section and Section 8-10.

"Total Suspended Solids" means the solids that float on the surface of, or are suspended in, the water, sewage, or other liquid, and which are removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.

"Utah Permit Discharge Elimination System (UPDES)" is the State of Utah program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to UAC R317-8 and Section 402 of the Clean Water Act.

"User" means any person or entity which contributes, causes, or permits the contribution of wastewater to a POTW.

"Wastewater" or "sewage" means the liquid and water-carried industrial or domestic wastes from residences, dwellings, commercial buildings, industrial facilities and institutions, together with any infiltrating groundwater, surface water and stormwater that may be present, whether treated or untreated, which are discharged to or allowed to enter the POTW.

"Waters of the State" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

"Wastewater strength" means the quality of wastewater discharged as measured by its elements, including its constituents and characteristics.

(2) Abbreviations. The following abbreviations shall have the following meanings:

BOD5	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
°F	Fahrenheit
gpd	gallons per day
gpm	gallons per minute
mgd	million gallons per day
mg/L	milligrams per Liter
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
TSS	Total Suspended Solids
UAC	Utah Administrative Code
UPDES	Utah Pollutant Discharge Elimination System
U.S.C.	United States Code

(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-5-4. Supervision.

The POTW shall be supervised and directed by the Public Works Director or designee.
(Ord. 2015-17, 06-03-2015)

8-5-5. General provisions.

All sewage shall be discharged to public sewers except as provided hereafter.

(1) No person shall discharge any sewage from any premises within the POTW service area in and upon any public highway, stream, water course, or public place, or into any drain, cesspool, storm or private sewer, except as provided for hereinafter.

(2) No person shall cause to be discharged or make a connection which would allow any storm water, surface drainage, groundwater, roof runoff, cooling water, or other similar waters into any sanitary sewer. No person shall cause any of the above-mentioned waters to be mixed with that person's sewage in order to dilute that sewage.

(3) No person shall discharge storm water, surface drainage, subsurface drainage, groundwater, or roof runoff to the POTW. Stormwater may be admitted to specifically designated storm sewers which have adequate capacity for the accommodations of such waters. No person shall connect to and/or use sanitary sewers for the above purposes without having first obtained written authorization from the Public Works Director.

(4) No person shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, including the following pollutants:

(a) Liquids, solids, or gases which by reason of

their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or interfere with the operation of the wastewater treatment facilities.

(c) Malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(d) Any wastewater which causes a hazard to human health or life or creates a public nuisance.

(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-5-6. Mandatory Connections.

In order to defray the cost of constructing, reconstructing, maintaining, and operating the POTW and the Water Reclamation Facility, and to protect the public health and welfare:

(1) No property owner, agent, or other person having charge of or occupying any property within 300 feet of a POTW sewer shall maintain, use, or allow to exist any privy vault, septic tank, or cesspool upon such property.

(2) No person shall erect or maintain any septic tank, outhouse, or privy within the POTW boundaries.

(3) The City shall require the owner of any property containing a building or structure approved, meant, or used for human occupancy to connect to the POTW if:

(a) the property is situated within the POTW boundaries;

(b) the property lies within 300 feet of an existing POTW sewer, measured directly to the closest point of the POTW sewer; and,

(c) capacity in the POTW exists.

(4) All costs for permitting, sewer lateral and other construction, and connection to the POTW under this Code shall be borne entirely by the property owner.

(5) Any City requirement for connection to the POTW according to this Title shall:

(a) be in the form of a written notice issued to the property owner by the City;

(b) be delivered to the property owner by certified mail at the property address;

(c) identify a deadline not less than 90 days from the date of the notice by which the connection to the POTW must occur;

(d) identify the requirements of this Title under which the notice is being issued;

(e) identify the potential penalties for failure to comply with the requirements of the notice; and,

(f) identify the applicable standards and specifications to be adhered to in order to effect the connection to the POTW, or where those standards can be found.

(6) Failure to connect to the POTW following a properly issued notice to do so shall result in:

(a) a violation of the Tooele City Code for each day of non-compliance with the properly issued notice of the requirement to connect to the POTW, punishable as an Infraction under Chapter 1-4;

(b) water service to the property being terminated until such time as compliance with the notice to connect to the POTW is completed; and,

(c) fines and fees in the combined amount of:

(i) criminal fines;

(ii) disconnection and reconnection fees for water service;

(iii) permitting, inspection, and connection fees for the connection to the POTW;

(iv) regular monthly charges for sewer utility service, for not less than one month, for the time between the deadline for connection and compliance with the notice to connect to the POTW; and,

(v) payment of any and all outstanding utility billing amounts.

(7) The City shall maintain, in its sole discretion, the right to seek compliance with the terms of this Section, including from a court of competent jurisdiction, which may include:

(a) compliance with the terms of this Section;

(b) payment of required fees for permitting, inspection, and connection to the POTW;

(c) payment of fines and fees outlined in this Section; and,

(d) attorney's fees and costs.

(Ord. 2017-03, 02-01-2017)

CHAPTER 6. BUILDING SEWERS, CONNECTIONS, AND REPAIRS.

8-6-1. Conformance to Utah Plumbing Code required.
8-6-2. Application for permit.
8-6-3. Permit not to issue until sewer assessment is paid.
8-6-4. Assessment to be in addition to fees.
8-6-5. Separate connections required.
8-6-6. Old building sewers.
8-6-7. Building sewer elevation.
8-6-8. Connection to lateral stub.
8-6-9. Installation expenses.
8-6-10. Failure to remedy defective work.
8-6-11. Revocation of permit.
8-6-12. Separation from other utilities.
8-6-13. Maintenance expense.
8-6-14. Survey stakes not to be removed.
8-6-15. Specifications for joint at point of connection to POTW sewer.
8-6-16. Fee for replacing damaged junction pipe.
8-6-17. Lapsing of permit.

8-6-1. Conformance to Utah Plumbing Code required.

All building sewers, connections, and repairs shall conform to the Utah Plumbing Code as adopted.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-2. Application for permit.

Application for permits for sewer connections must be made on an application blank furnished by the POTW. Any permit issued shall be subject to the Rules and Regulations of the POTW. The Permit may be, in the City's discretion, the building permit.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-3. Permit not to issue until sewer assessment is paid.

(1) No permit for a sewer connection shall be issued until the City has been paid any required assessment or surcharge in addition to other applicable fees.

(2) The City Engineer shall maintain a record of the payment of the assessments and fees, together with survey plats indicating the real property within the POTW for which the sewer connection assessments and fees have been paid, and these records shall be open to public inspection during regular hours of the POTW as allowed by law.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-4. Assessment to be in addition to fees.

The payment of any of the assessments or surcharges required by the POTW shall not relieve the owner of the payment of other fees required herein.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-5. Separate connections required.

Each separate building or premise shall have a separate connection to the POTW sewer. Each owner will bear and pay for the maintenance and repair of this building or lateral sewer. The Public Works Director has the discretion, but not the obligation, to permit shared laterals upon a finding of extraordinary or unusual circumstances and upon a showing by the building owners that doing so will not adversely affect the public health or the interests of any other property owner.
(Ord. 2022-23, 07-20-2022) (Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-6. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the POTW, to meet all requirements herein; otherwise, a new building sewer shall be installed and the old building sewers shall be plugged at the user's expense upon discontinuance of service. The plug in the old building sewer must be approved and an inspection fee will be charged by the POTW.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-7. Building sewer elevation.

In all buildings where the elevation is too low to permit effective gravity flow to the POTW sewer, sanitary sewage discharge from such a building shall be lifted by a POTW approved means and discharged to the POTW sewer. Such equipment designed to lift the sanitary sewage to the POTW sewer shall be operated and maintained by the user.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-8. Connection to lateral stub.

Where a building or lateral sewer stub exists extending from a POTW sewer, connection thereto may be made by a Utah licensed and bonded contractor or plumber following application for and the granting of a connection permit. The owner or contractor requesting connection shall bear all expenses associated with such connection, including City inspections.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-9. Installation expenses.

All costs and expenses incidental to the installation and connection of the building or lateral sewer to the POTW sewer shall be borne by the user. The user shall retain or employ a licensed and bonded sewer contractor

or plumber to install a building sewer.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-10. Failure to remedy defective work.

No further permit shall be issued to any person who has failed to remedy defective work to the satisfaction of the Public Works Director after such person has been notified in writing.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-11. Revocation of permit.

The Public Works Director may, at any time, revoke a building permit because of defective work which has not been corrected after written notice and within the time specified therein by the Public Works Director.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-12. Separation from other utilities.

All utility lines or conduits shall be separated from the building sewer as required by State and local law.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-13. Maintenance expense.

All building sewers, including the connection to the POTW sewer, shall be maintained by the property owner.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-14. Survey stakes not to be removed.

Survey stakes set for the sewer connection must not be disturbed, removed, or covered.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-15. Specifications for joint at point of connection to POTW sewer.

The connection of the "wye" onto the POTW sewer shall be entirely surrounded with a collar of a design specified by the POTW Construction Standards. Connection work shall be done only by the POTW. The trench shall not be backfilled until the building or lateral sewer line has been connected, tested, and approved by the POTW Inspector.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-16. Fee for replacing damaged junction pipe.

In case the junction pipe to the POTW sewer is broken off or damaged, it must be replaced. The installation of a new junction pipe will be made by the POTW or its designee upon payment of a fee to cover the cost of the work, unless the user, upon approval of the POTW, performs the work. The City may bill the user for unpaid amounts of this fee through the City utility bill.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-6-17. Lapsing of permit.

All sewer connection permits shall lapse two years from the date of issuance unless prior thereto wastewater is put through the connection by the applicant.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

CHAPTER 7. PUMP STATIONS.

8-7-1. Sewage pump station areas.
8-7-2. Withholding of approval.
8-7-3. Pump stations areas.
8-7-4. Construction of pumping stations.
8-7-5. Costs.
8-7-6. Method of payment.
8-7-7. Property of the POTW.

8-7-1. Sewage pump station areas.

Whenever any user makes application for any permits, approvals, subdivision, zoning, or any other actions relating to property situated in areas either within or outside of the POTW which, when connected to the POTW's sewer collection or disposal system, will require the sewage to be pumped into the POTW system, the user thereof shall be required to pay the City all of the costs of the installation and maintenance of the required pumping station in the manner and in the amounts provided in the Tooele City Fee Schedule or as otherwise determined on a time and materials basis.
(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-7-2. Withholding of approval.

Notwithstanding the provisions of any other ordinance or regulation of the POTW, the officers and personnel of the POTW dealing with the applications under Tooele City Code 8-8-1 shall withhold granting of the requested applications pending payment, or entry by the applicant into an agreement whereby payments will be made, to the POTW in reimbursement for the costs of the pumping stations as identified in Sections 8-7-3, 8-7-4, and 8-7-5. The officers and employees of the POTW shall not furnish sewer services to users until the agreements are fully consummated and there has been reimbursement and payment for all services and fees due and owing thereunder.
(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-7-3. Pumping station areas.

(1) The POTW may cause surveys or engineering studies to be made for the purpose of determining those areas either within or without the POTW which would require the installation and operation of pumping stations. The pumping station areas may include areas outside of the POTW limits which might, by annexation, become a part of the POTW or which might require sewer services from the POTW for the purpose of preserving the health and welfare of residents adjacent to such areas. Nothing herein shall require the City to provide sewage treatment outside of the City limits.

(2) Based upon such studies, the POTW shall establish the pumping station areas and designate their confines in such manner as to enable land owners or users to determine whether or not they fall within the areas requiring sewage pumping stations.

(3) Including pumping station areas located outside the City limits in such studies shall not entitle those areas to sewer treatment by the POTW and shall not be interpreted to indicate the City's desire to annex such areas or to take any other action.
(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-7-4. Construction of pumping stations.

(1) The POTW may require the installation of a pumping station in conjunction with developments within the designated area or a portion thereof which will require the construction of a sewage pumping station.

(2) The construction of the pumping stations shall be of such size as the POTW may determine will be necessary to provide pumping to the entirety of a development project, including all phases, even though pending applications before it involve only a portion of a development project. All pump stations shall be planned, designed, and constructed in accordance with applicable State and local laws.
(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-7-5. Costs.

(1) The costs of construction for pumping stations shall include costs of land acquisition, easements, legal services, direct labor and materials, costs of direct supervision, and engineering services, plus an amount equal to 10% of all of the foregoing costs for administrative services by the POTW.

(2) The costs of construction shall be allocated among the land owners and/or users of the sewage pumping service area in the same proportion that the total of each land owner's area bears to the total area of land situated within the pumping service area.

(3) The foregoing method of allocation of costs may be varied by action of the POTW when, in its judgment, it finds that unusual topography or other physical circumstances or the contemplated use or uses require a different method of allocating costs. If the pumping station is constructed prior to the filing of an application by a land owner or user, the costs of construction will be the actual costs expended. If the City constructs the pumping station, the City may assess pro rata costs for developments utilizing the pumping station capacity plus a reasonable administrative cost of 10%.

(4) If the pumping station has been constructed at the time the application is filed, then costs shall be the costs estimated by the City Engineer or which may be computed based upon contracts let to contractors or subcontractors to perform the construction. The estimated costs shall be used as the basis for establishing the amount of any payments required in advance until such time as construction is completed and actual costs are determined, at which time the costs shall be recomputed and allocated based upon the actual costs.

(5) Costs of operation and maintenance shall be allocated among the users of the sewage pumping service area.

(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-7-6. Method of payment.

At the time an application is made to the POTW, the City shall require the applicant to enter into an agreement with the City whereby the applicant will pay his share of the sewage pumping station construction costs at such time or times fixed by the City. The agreement may require the applicant to pay a lump sum in cash or the City may specify a payment schedule as may be determined will best fit the needs of the City. The agreement shall provide, in the event the applicant fails to make the payments, as provided, the City may refuse to provide services until such time as payments have been made.

(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-7-7. Property of POTW.

Regardless of the manner in which construction of the sewer pumping station has been achieved, whether by direct action upon the part of the POTW or by action of any applicant, the pumping station shall be deemed the property of the POTW. All maintenance after acceptance shall be performed by the POTW or its designee. Ownership of the pumping station shall be conveyed to the City by deed and/or bill of sale, as applicable. Pumping stations required by the City to remain under private ownership shall remain privately owned, operated, and maintained.

(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

CHAPTER 8. SUBDIVISION.

8-8-1. Approval required before recordation.
8-8-2. Mobile park and subdivision connections allowed.
8-8-3. Mobile home compliance required.

8-8-1. Approval required before recordation.

All persons, contractors, builders, operators, subdividers and developers shall conform with this ordinance and shall apply to the POTW office for written approval of any proposed sewage collection facilities for their mobile home parks, subdivisions, or other developments prior to recordation of their plats with the county recorder, and shall pay all required fees in a timely manner.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-8-2. Mobile park and subdivision connections allowed.

Any mobile home park or subdivision hereafter constructed having a sewage system and appurtenant facilities acceptable to the POTW within the mobile home park or subdivision, as the case may be, may, at the user's sole expense upon payment of all required fees and subject to any written extension or reimbursement agreements which may be hereafter executed with the POTW, connect such sewage system and facilities directly with an existing POTW sewer at a location designated by the POTW and under the POTW's direction.
(Ord. 2015-17, 06-03-2015) (Ord. 1993-12, 09-20-1993)

8-8-3. Mobile home compliance required.

All sewage collection systems and appurtenant facilities for mobile home parks and subdivisions shall be designed, constructed, and maintained in strict accordance with all applicable provisions of the Rules and Regulations adopted or amended.
(Ord. 2015-17, 06-03-2015)

CHAPTER 9. POTW SEWER CONSTRUCTION.

8-9-1. Sewer extension agreement.
8-9-2. Design and construction.
8-9-3. Construction.
8-9-4. Excavation safeguards for public.
8-9-5. Maintenance expense.
8-9-6. Inspection and approval.

8-9-1. Sewer extension agreement.

Any sewer extension shall be governed by an extension agreement between the POTW and the developer covering the requirements of this Title. (Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-9-2. Design and construction.

The size, slope alignment, and materials of construction of a POTW sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements set forth in the "Code of Waste Disposal Regulations" adopted by the Utah State Board of Health, the extension agreement, and other specific requirements as set forth by the POTW. (Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-9-3. Construction.

The actual construction of the POTW sewer shall be conducted by a bonded sewer contractor licensed in the State of Utah. Prior to construction, the contractor must be approved by the POTW. (Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-9-4. Excavation safeguards for public.

All excavations for POTW sewer installation shall be adequately guarded by the contractor with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored by the contractor in a manner satisfactory to the POTW. (Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-9-5. Maintenance expense.

All POTW sewers in dedicated right-of-ways shall be maintained by the POTW. (Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

8-9-6. Inspection and approval.

All phases of the POTW sewer construction shall be inspected and approved by the POTW. Failure to obtain the necessary permits, inspections, and approvals will result in the work being redone. All work shall be completed in accordance with the construction, testing, and acceptance standards of the POTW. (Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

CHAPTER 10. FEES AND CHARGES.

8-10-1. Purpose.
8-10-2. Fees and charges.
8-10-3. Collection procedures.

8-10-1. Purpose.

Each user shall pay all fees and charges required by the POTW. Surcharges, where applicable, will be imposed. It is the purpose of this Chapter to provide for the payment of all POTW maintenance and operation cost from the users. The total annual cost of operation and maintenance shall include labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, debt service and reserves, and a reasonable contingency fund. The charges will be based upon the quality and quantity of user's wastewater, and also upon the POTW's capital and operating costs to intercept, treat, and dispose of wastewater. The applicable charges shall be set forth in the Tooele City Fee Schedule. The charges shall be adjusted from time to time to equitably apportion such costs, including energy costs, among the users of the POTW.

(Ord. 2015-17, June 3, 2015) (Ord. 1997-16, 04-02-1997) (Ord. 1993-12, 09-20-1993)

8-10-2. Fees and charges.

(1) Users of the POTW may be divided into various classifications, including single dwelling units, duplexes, multiple dwelling units, and nonresidential. Further classifications may be established by the POTW for each nonresidential user class or otherwise.

(2) The POTW may adopt fees which may include, but are not to be limited to, the following fees for:

(a) POTW costs, including maintenance and operation;

(b) reimbursement of costs of setting up and operating the POTW's Pretreatment Program;

(c) monitoring, inspections and surveillance procedures, to include but not be limited to laboratory analysis;

(d) reviewing accidental discharge procedures and construction;

(e) processing permit applications and issuing industrial discharge permits;

(f) filing appeals;

(g) processing requests for the consistent removal by the POTW of pollutants otherwise subject to Federal Pretreatment Standards;

(h) connection to the sewer system;

(i) repairs and disconnection;

(j) inspections related to private sewer connections to the POTW;

(k) development and expansion; and,

(l) other fees as the POTW may deem necessary to carry out the requirements of this regulation.

(3) Sewer charges shall be established by Resolution of the City Council.

(4) Metering of sewer lines will be allowed when the user elects to have the sewage flow metered subject to the following requirements:

(a) The charges for sewer service will be based upon the actual sewer meter readings rather than upon the average of the winter readings; and

(b) The user will furnish, install, and maintain at user's expense a meter pursuant to the City's standards and specifications.

(5) The City may provide for adjustments as needed to ensure equitable sewer charges. Such adjustments may be made where excessive quantities of culinary water pass through the water meter, but are consumed on the premises and do not enter the sewer system. In each such instance, the user will have the burden of providing evidence of such inequities by showing that the quantity of water not entering the sewer, but passing through the meter, exceeds 20% of the total flow in order to merit such consideration by the City.

(6) The City may make adjustments under the following conditions due to faulty inside plumbing:

(a) When defective plumbing has caused the average winter water consumption to exceed the previous year's average by 25% or more, there may be an adjustment made on a pro rata basis. The customer must provide to the City evidence of the plumbing repairs and the period of time the problem existed, with a plumber's invoice for repairs completed including the dates of final repair.

(b) When the repairs are accomplished by the customer rather than by a plumber, dated receipts for supplies purchased to make the repairs must be submitted together with a letter to the City.

(c) When neither a plumber's invoice nor a receipt for supplies is available, the customer must provide a notarized affidavit in letter form, outlining the repairs made, who made them and when they were completed. If the metered water consumption shows a significant reduction after the repairs, and is comparable to the usage for the same time of the two preceding years, an adjustment may be made.

(d) All adjustments will be determined by the sewer charge of the preceding year. When the charge for the preceding year is not established on a winter average, a minimum of ten units shall be charged.

(e) All adjustments shall be made at the discretion of the Public Works Director upon a written finding consistent with this Chapter.

(7) Where connections involve a POTW sewer installed at the City's expense without assessment to the property, an additional charge representing the user's assessment shall be charged at the time of connection based upon the property owner's frontage.

(8) Where the POTW provides culinary water, the

wastewater treatment charges may be combined for billing purposes with charges for water services rendered.

(9) In the event POTW service to any building or premises in the POTW is shut off, a fee to be set by the POTW shall be charged for restoring sewer service.

(10) When a user's discharge causes an obstruction or damage, or because of the nature of the discharge, toxic pollutants increase the costs for managing the effluent or the sludge of the POTW, the user shall pay for the costs of removing the obstruction and repairing the damage.

(11) The POTW shall review, as often as deemed necessary by the Public Works Director or Finance Director, the total cost of operation and maintenance, as well as each user's discharge, and will revise charges as necessary to assure equity and sufficient funds to adequately operate and maintain the POTW, which operation and maintenance cost includes debt service and reserves. If a significant industrial user has completed in-plant modifications which would significantly change that user's discharge, the user can present to the Public works Director such factual information, and the POTW shall determine if the user's charge is to be changed. (Ord. 97-16, 04-02-97)

(12) Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(13) Surcharges.

(a) All users discharging sewage into the POTW shall be subject to a surcharge, in addition to other sewer service charges, if these wastes have a concentration greater than the following normal domestic strength wastewater:

(i) BOD of 200 mg/L; or

(ii) TSS of 250 mg/L.

(b) The computation of the sewage surcharge shall be determined by the following formulae:

SC = VS x 8.34(RBOD(BOD-200)) and SC = VS x 8.34(RSS(TSS-250))

(c) The components of the formulae given in Subsection (2)(b) shall have the following meanings:

(i) SC means surcharge in dollars.

(ii) VS means volume of sewage in millions of gallons for the billing period.

(iii) 8.34 is the conversion factor to convert BOD and TSS from mg/L to pounds.

(iv) RBOD means the unit charge for BOD in dollars per pound.

(v) RSS means the unit charge for TSS in dollars per pound.

(d) The rates of the industrial waste surcharge for each of the following constituents shall be as contained in the Tooele City Fee Schedule.

(14) Users may discharge septic and holding tank waste into the POTW only upon approval of the Public works Directorr. Users who discharge septic and holding tank waste into the POTW shall pay fees contained in the Tooele City Fee Schedule

(Ord. 2015-17, June 3, 2015) (Ord. 1994-05, 01-01-1994) (Ord. 1993-12, 09-20-1993)

8-10-3. Collection procedures.

(1) All fees and charges made for sewer services shall be chargeable against and payable by the persons making application for such services.

(2) The City shall cause billings for wastewater treatment charges, and/or water, to be rendered periodically at rates established in the Tooele City Fee Schedule.

(3) Fees and charges levied in accordance with this chapter shall be a debt due to the City. If this debt is not paid within 30 days after billing, it shall, at the City's option, be deemed delinquent and subject to penalties and may be recovered by civil action, and the City shall have the right to terminate sewer and/or water service and enter upon private property for accomplishing such purposes.

(4) The City shall receive and collect the sewer fees and charges levied under the provision of this Chapter. In the event of partial payment, the City may apply the payment to any sums due for water and/or sewer fees or charges.

(5) Sewer service shall not be restored until all charges, including the expense of termination and restoration of service, shall have been paid.

(Ord. 2015-17, June 3, 2015) (Ord. 1993-12, 09-20-1993)

CHAPTER 11. INDUSTRIAL PRETREAT-MENT PROGRAM

8-11-1. Definitions and Abbreviations.
8-11-2. Applicability, Objectives, and Responsibility of the City.
8-11-3. Wastewater Discharge Prohibitions and Limitations.
8-11-4. National Categorical Pretreatment Standards.
8-11-5. Pretreatment and Monitoring Facilities.
8-11-6. Industrial Wastewater Discharge Permits.
8-11-7. Industrial Wastewater Discharge Permit Conditions.
8-11-8. Industrial Wastewater Discharge Permit Modification.
8-11-9. Industrial Wastewater Discharge Permit Revocation.
8-11-10. Special Agreements and Contracts.
8-11-11. Recordkeeping.
8-11-12. Confidentiality Information.
8-11-13. Sample Collection and Analytical Methods.
8-11-14. Right of Entry.
8-11-15. Reporting and Notification Requirements.
8-11-16. Sector Control Programs.
8-11-17. Compliance and Enforcement.
8-11-18. Remedies Nonexclusive.
8-11-19. Regulation of Industrial Users from Outside Jurisdictions.
8-11-20. Affirmative Defense – Prohibited Discharge Standards.
8-11-21. Severability.

8-11-1. Definitions and Abbreviations.

(1) Definitions. In addition to definitions in Section 8-5-3 of the Toole City Code, the following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to except where the context clearly indicates a different meaning:

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

"Approval Authority" means the Executive Director of the Utah Department of Environmental Quality or their authorized representative.

"Authorized Representative" or "Duly Authorized Representative" of the Industrial User.

(a) If the Industrial User is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,

(ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Wastewater Discharge Permit requirements; and, where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a limited liability company, the principle or managing member or other duly authorized member of the limited liability company.

(d) If the user is a federal, state, or local government facility: A District or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(e) The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in Section 8-11-3 of this Chapter. BMPs may also include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage. BMPs shall be considered Pretreatment Standards for the purposes of this Chapter and UAC R317-8-8.5(7).

"Bypass" is the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility pursuant to UAC R317-8.8.15, and is hereby incorporated by this reference.

"Categorical Industrial User" means an industrial user who is subject to a Categorical Pretreatment Standard.

"Categorical Pretreatment Standard" or "Categorical Standard" refers to any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. §1317) as amended, which apply to a specific category of industrial users and that appear in 40 CFR chapter I, subchapter N, Parts 405-471.

"City" means Tooele City.

"Composite sample" is a representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the City where time-proportional samples are believed representative of the discharge.

"Cooling water" means:

(a) Contact: Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product, or finished product.

(b) Noncontact: Water used for cooling purposes which does not come in contact with any raw material, intermediate product, waste product, or finished product, and the only pollutant added is heat.

"Daily Maximum Discharge Limit" is the maximum allowable concentration of a pollutant(s) that may be discharged during a twenty-four (24) hour period or as specified in an Industrial Wastewater Discharge Permit. Where daily maximum limitations are expressed in units of mass, the discharge is the total mass discharged over the sampling period.

"Director" means the Director of Community Development/Public works who is designated by the City to supervise the operation of the Publicly Owned Treatment Works and who is charged with certain duties and responsibilities under this Chapter, or their duly authorized representative.

"Existing source" means any Indirect Discharge that is not a New Source.

"Fats, Oils, and Grease' or "FOG" means non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using the approved method for Hexane Extractable Materials in the analytical procedures established in 40 CFR Part 136.

"Grab sample' means a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

"Hazardous waste" is any waste designated as hazardous under the provisions of UAC R315-2.

"Holding tank waste" refers to any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults, and vacuum-pump tank trucks.

"Indirect Discharge" means the discharge or the introduction of nondomestic pollutants into the POTW from any source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. 1317), including holding tank waste from a non-domestic user discharged into the POTW.

"Industrial User" means a source of Indirect Discharge, a user that has the potential to discharge non-domestic wastewater to the POTW or an industrial user that has a sewer connection for domestic wastewater discharge only.

"Industrial" or "non-domestic" wastes means the liquid or solid wastes from industrial manufacturing processes, trade or business activities producing non-domestic or non-residential sewage as distinct from domestic wastewater.

"Industrial Wastewater Discharge Permit" means and shall refer to a permit issued by the City to an Industrial User that allows, limits and/or prohibits the discharge of pollutants or flow to the POTW as set forth in this Chapter.

"Instantaneous Discharge Limit" means the maximum or minimum concentration or measurement for a pollutant or pollutant property allowed to be discharged at any time for any length of time and is determined by use of a grab sample or a direct measurement.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both

(a) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use, or disposal, and

(b) Therefore is a cause of a violation of the City's UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"Local Limits" are any regulation containing pollution discharge limits promulgated by the City in accordance with UAC R317-8-8.5(4) and (5), which are deemed to be Pretreatment Standards and contained in Section 8-11-3(3) of this Chapter.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, pharmaceutical residues, and dialysis wastes.

"New Source" means

(a) Any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility, or

installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous onsite construction program:

1. Any placement, assembly, or installation, of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's UPDES permit (including an increase in the magnitude or duration of a violation).

"pH" means the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution and reported as Standard Units (SU).

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive materials, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS turbidity, color, BOD5, COD, toxicity or odor) discharged into or with water.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical process, biological process, or by other process or means, except as prohibited by 40 CFR Section 403.6(b). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

"Pretreatment Requirement" means any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.

"Pretreatment Standard", "National Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits promulgated by EPA, in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits, local limits and Best Management Practices that are established by the City and pursuant to UAC R317-8-8.5. In cases of differing Standards, the more stringent shall apply.

"Sector Control Program" is a program designed to control specific pollutants from industrial users with similar operations, waste generation or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices. These Sector Control Program requirements may be found in Section 8-11-16 of this Chapter.

"Significant Industrial User" or "SIU" means:

(a) A Categorical Industrial User;

(b) An Industrial User that:

(i) Discharges greater than five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

(ii) Discharges more than an average of twenty-five thousand gallons per day (25,000 gpd) of process wastewater to the POTW (excluding noncontact

cooling, sanitary, and boiler blow down); or

(iii) Is designated as such by the Director on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(c) The City, at its sole discretion, may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred gallons per day (100 gpd) of total wastewater subject to Categorical Pretreatment Standards (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met;

(i) The Industrial User, prior to the City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement as found in 40 CFR 403.12(g), together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(d) Upon a written finding by the Director that an Industrial User meeting the criteria in paragraph (b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or Requirement, the Director may at any time, on its own initiative or in response to a petition received from an Industrial User and in accordance with UAC R317-8-8.8(6)(b)12, determine that such Industrial User is not a Significant Industrial User.

"Slug Discharge" or "Slug Load" means any discharge at a flow rate or concentration which could cause a violation of the General or Specific Prohibitions in Section 8-11-3. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, or a discharge which exceeds the hydraulic or other design of an Industrial User's treatment system or any part of the treatment unit, including a discharge which has a reasonable potential to cause Interference or Pass Through or in any other way violates an applicable Pretreatment Standard or Requirement or an Industrial Wastewater Discharge Permit issued by the City.

"Standard Industrial Classification" or "SIC" code means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

"Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under Section 307(a) of the Act or as otherwise listed in 40 CFR Part 122, Appendix D.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User pursuant to UAC R317-8-8-8.14, and is herein incorporated by this reference.

(2) Abbreviations. The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
BMR	Baseline Monitoring Report
BOD5	Biochemical Oxygen Demand
ºC	degrees Celsius
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
°F	Fahrenheit
FOG	Fats, Oils and Grease
gpd	gallons per day
gpm	gallons per minute
GGI	Gravity Grease Interceptor
HEM	Hexane Extractable Material
HMGI	Hydromechanical Grease Interceptor
IU	Industrial User
mgd	million gallons per day
mg/L	milligrams per Liter
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
§	Section
TSS	Total Suspended Solids
UAC	Utah Administrative Code
UPDES	Utah Pollutant Discharge Elimination System
U.S.C.	United States Code

(Ord. 2015-17, June 3, 2015)

8-11-2. Applicability, Objectives, and Responsibi-lity of the City.

(1) Applicability. This Chapter sets forth uniform requirements for all Industrial Users that discharge into the Publicly-Owned Treatment Works (POTW) and enables the City to comply with all applicable State and federal laws including the Clean Water Act (33 United States Code (U.S.C.) Section 1251 et seq.), the State of Utah Pretreatment Regulations (UAC R317-8-8) and the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403).

(2) Objectives. The objectives of this Chapter are to:

(a) Prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge;

(b) Prevent the introduction of pollutants into the POTW which will pass through the wastewater facilities, inadequately treated, into the receiving waters or the atmosphere, or otherwise be incompatible with the POTW;

(c) Provide for and promote the general health, safety, and welfare of both the general public and the POTW personnel who may be affected by wastewater and sludge in the course of their employment;

(d) Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(e) Provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and,

(f) Enable the City to comply with its Utah Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws or regulations to which the POTW is subject.

(3) Industrial Users. No industrial user shall discharge non-domestic wastewater to the POTW unless done in compliance with the provisions of this Chapter.

(4) Owner/Tenant Responsibility. Where an owner of property leases a premises to a person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User at the premises, both are jointly and severally responsible for compliance with the provisions of this Chapter.

(5) Authority of Director. Except as otherwise provided, the Director shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

(6) Notification to Industrial Users. The Director shall attempt to notify in writing any Industrial User whom the City has reason to believe is subject to a National Categorical Pretreatment Standard or Requirement, or other applicable requirements promulgated by the EPA under the provisions of Section 204(b) or 405 of the Act, or under the provisions of sections 3001, 3004, or 4004 of the Solid Waste Disposal Act. Failure of the City to so notify industrial users shall not relieve said industrial users from the responsibility of complying with applicable requirements. It is the responsibility of Significant Industrial Users to apply for and receive a permit prior to discharge, whether or not the Industrial User has been identified and formally requested to do so.

(7) Discharge by Industrial Users. If wastewaters containing any pollutant, including excess flow, or as otherwise defined in this Chapter, are discharged, have the potential to discharge in the opinion of the Director, or are proposed to be discharged to the POTW, the Director may take any action necessary to:

(a) prohibit the discharge of such wastewater;

(b) require an Industrial User to demonstrate that in-plant facility modifications will reduce or eliminate the discharge of such substances in conformity with this Chapter;

(c) require treatment, including storage facilities or flow equalization, necessary to reduce or eliminate the potential for a discharge to violate this Chapter;

(d) require the Industrial User making, causing, or allowing the discharge to pay any additional cost or expense incurred by the City for handling, treatment, disposal, or remediation costs as a result of wastes discharged to the wastewater treatment system;

(e) require the Industrial User to apply for and obtain a permit, including a zero discharge permit;

(f) require timely and factual reports from the Industrial User; and/or,

(g) take such other action as may be necessary to meet the objectives of this Chapter.

(Ord. 2015-17, June 3, 2015)

8-11-3. Wastewater Discharge Prohibitions and Limitations.

(1) General Prohibitions. No Industrial User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes Pass Through or Interference. These General Prohibitions and the Specific Prohibitions in paragraph (2) apply to all industrial users of the POTW whether or not the industrial users are subject to other Pretreatment Standards or Requirements.

(2) Specific Prohibitions. No Industrial User shall contribute the following pollutants into the POTW:

(a) Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater facilities, including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty degrees Celsius (60°C) or one hundred forty degrees Fahrenheit (140°F) using the test methods specified in UAC R315-2-1. The Director may require industrial users with the potential to discharge flammable, combustible, or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any one reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter;

(b) Solid or viscous substances which may cause obstruction to the flow in the POTW resulting in Interference;

(c) Any wastewater having a pH less than 5.0 or

higher than 12.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater facilities;

(d) Any pollutant, including oxygen demanding pollutants (BOD5, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;

(e) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees (40°) Celsius or one-hundred and four degrees (104°) Fahrenheit unless EPA, upon request of the POTW, approves alternate temperature limits;

(f) Any petroleum oil, non-biodegradable cutting oil, or products of any mineral origin in amounts that will cause Pass Through or Interference;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or pollutants which singly or cumulatively or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent or interfere with entry into the sewers for their maintenance and repair;

(h) Any trucked or hauled pollutants, except at discharge points designated by the Director;

(i) Stormwater drainage from ground resulting in Infiltration and Inflow (I&I) through the Industrial User's service line(s) or surface, roof drains, catch basins, unroofed area drains (e.g. commercial car washing facilities), or any other source unless otherwise approved by the Director. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the POTW. No Industrial User shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading, or any other water associated with construction activities to the POTW;

(j) Any substance which may cause the wastewater facilities' effluent, or any other product of the wastewater facilities, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

(k) Any substance which will cause the City to violate its UPDES permit or applicable Water Quality Standards;

(l) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(m) A Slug Discharge;

(n) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director or other regulations set forth by the State of Utah or that violates any applicable state or federal regulations;

(o) Bulk, expired, outdated, or concentrated prescription or non-prescription drugs;

(p) Wastewater or pollutants discharged directly into a manhole or other opening to the POTW unless specifically authorized by the Director or as otherwise permitted under this Chapter. Prohibited is the opening of a manhole or discharging into any opening in violation of this Chapter;

(q) No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings unless secondary containment is provided or there are physical barriers to entry to the wastewater collection system. The storage of any chemicals, materials, substances, or wastes that leak or have potential to leak or discharge into the wastewater collection system which may create an explosion hazard or in any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the general public, the environment, or the receiving stream shall be prohibited;

(r) Wastewater contaminated as a result of discharge from aboveground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining a permit prior to discharge;

(s) Liquid wastes from chemical toilets, trailers, campers, or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the City to collect such wastes;

(t) Sludges, screenings, or other residues from the treatment of industrial wastes;

(u) Medical wastes that cause or contribute to Pass Through or Interference;

(v) Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a Whole Effluent Toxicity (WET) test;

(w) Detergents, surfactants, and other surface-active agents, or other substances which may cause excessive foaming in the POTW or cause or contribute to Pass Through or Interference;

(x) Discharge of Nonylphenol from the use of bulk or concentrated Nonylphenol containing detergents as employed by some industrial or commercial laundries, car washes, or asphalt manufacturers or other industrial users;

(y) Wastewater which contains grease or oil or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius);

(z) Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of two hundred milligrams per liter (200 mg/L). In lieu of this limit, a food service establishment may install and properly operate and maintain a Gravity Grease Interceptor, implement all required BMPs, and does not violate a General or Specific Prohibition pursuant to the Sector Control Program in Section 8-11-16(2);

(aa) Wastewater generated as a result of wastes pumped from gravity grease interceptors, hydromechanical grease interceptors, grease traps, sand-oil separators, or other storage tanks or treatment units back into the POTW, either directly or indirectly, without approval of the Director;

(ab) Discharge of any wastewater containing perchloroethylene (PCE) (also known as Tetrachloroethene and Tetrachloroethylene) from any industrial user involved in the dry cleaning business;

(ac) Any pollutant or wastewater containing pollutants with UV (254 nm) absorbing substances which causes interference with UV disinfection at the treatment plant; or,

(ad) Any pesticides, herbicides or fungicides that cause or contribute to Pass Through, Interference, or other problems at the treatment works or in the receiving waters. In no case, shall an Industrial User discharge wastewater that is generated from the rinsing of any container that contains or contained any concentrated or formulated pesticide, herbicide, or fungicide.

(3) Specific Discharge Limitations.

(a) No Significant Industrial User shall discharge or cause to be discharged wastewater that exceeds the following limits:

Pollutant 1	Daily Maximum Discharge Limit (mg/L)
Arsenic	0.12
Cadmium	0.14
Chromium	8.74
Copper	2.55
Lead	0.89
Mercury	0.046
Molybdenum	0.60
Nickel	2.32
Selenium	0.43
Zinc	9.48
5-Day Biochemical Oxygen Demand (BOD5), lbs/day 2,3	2628
Total Suspended Solids (TSS), lbs/day 2,3	2744

Notes to Table.

1. All Pollutants shown in the table are Totals and in mg/L unless otherwise specified.
2. These limits are the total mass in pounds per day (lbs/day) that are available to allocate to all permitted industrial users. Allocations are at the sole discretion of the City.
3. Discharges containing BOD5 or TSS concentrations over that of Normal Domestic Strength Wastewater shall be surcharged.

(b) The City may, at its sole discretion, implement local limits through allocation of the Maximum Allowable Industrial Load (MAIL) to Significant Industrial Users that correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the Daily Maximum Discharge Limits are hereby incorporated by reference.

(4) The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or in other wastewaters where these pollutants are appropriate surrogates. It shall be unlawful for any permitted Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the following limits, as applicable.

Pollutant(c)	Daily Maximum Limit (mg/L)
Benzene(a)	0.050
BTEX(b)	0.750

(a) All pollutants shown in the Table are totals.

(b) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene, and Xylenes.

(c) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

(5) The Director may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the Director, such limitations are necessary to implement the provisions of this Chapter.

(6) Dilution is prohibited as a substitute for treatment and shall be a violation of this Chapter. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The City may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment

Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.

(7) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal Pretreatment Standards and Requirements or those in this Chapter.

(Ord. 2015-17, June 3, 2015)

8-11-4. National Categorical Pretreatment Standards.

(1) Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

(2) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR Section 403.6.

(3) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(4) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Industrial User not notifying the Director of such an anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(5) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

(6) A Categorical Industrial User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with UAC R317-8-8.13.

(Ord. 2015-17, June 3, 2015)

8-11-5. Pretreatment and Monitoring Facilities.

(1) Treatment Required. An Industrial User shall provide necessary wastewater treatment at the Industrial User's expense as required to comply with this Chapter and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the EPA or the City, whichever is more stringent. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review and shall be acceptable before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter.

(2) The Industrial User shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Industrial User. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an Industrial User when the operation is necessary to achieve or assure compliance with the conditions of the permit.

(3) Monitoring Facilities. The City may require an Industrial User to install, at the Industrial User's expense, suitable monitoring facilities or equipment that allow for the representative sampling and accurate observation of wastewater discharges. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable construction standards and specifications. Monitoring equipment and structures shall be maintained in proper working order, calibrated as required by manufacturer's recommendations and kept safe and accessible at all times to City personnel. The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building unless otherwise approved by the City. When such a location would be impractical, the City may allow such facilities to be constructed in the public street or easement area, with the approval of the agency having jurisdiction over such street or easement, and located so that they will not be obstructed by public utilities, landscaping or parked vehicles. No Industrial User shall cover any manhole, sewer cleanout, or other openings in the wastewater collection system with earth or paving, or otherwise render it inaccessible.

(4) Wastewater Discharge Control. The City may require an Industrial User to restrict discharge during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and demonstrate the Industrial User's compliance with the requirements of this Chapter.

(5) Flow Equalization. The City may require any Industrial User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Wastewater Discharge Permit may be required to address only flow equalization.

(6) Multitenant Buildings. When more than one Industrial User is able to discharge into a common service line, the City may require installation of separate monitoring equipment or structures for each Industrial User.

(7) Flow, pH, LEL and other meters and equipment. If the City determines an Industrial User is required to

measure and report (i) wastewater flow, (ii) discharge process wastewaters necessitating continuous pH measurement or (iii) discharge wastewater that may contain flammable substances or other pollutants of concern, the City may require the Industrial User to install and maintain, at the Industrial User's expense, approved meters and equipment.
(Ord. 2015-17, June 3, 2015)

8-11-6. Industrial Wastewater Discharge Permits.

(1) Permits Required. All Significant Industrial Users proposing to connect to, or discharge into, any part of the POTW shall apply for and obtain an Industrial Wastewater Discharge Permit prior to commencing discharge to the POTW. A separate permit may be required for each Industrial User, building or complex of buildings. Such Significant Industrial Users shall immediately contact the City and obtain an Industrial Wastewater Discharge Permit.

(2) New Industrial Users: Applying for an Industrial Wastewater Discharge Permit. Any Industrial User required to obtain an Industrial Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must apply for and obtain such permit prior to the beginning or recommencing of such discharge. The Industrial User shall file a permit application on forms provided by the City containing the information specified in subsection 8-11-6(6). The completed application for the Industrial Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The City may issue a permit at any time after receipt of the completed permit application.

(3) Existing Industrial Users: Applying for an Industrial Wastewater Discharge Permit Re-issuance.

(a) An Industrial User with an expiring Industrial Wastewater Discharge Permit shall apply for a new permit by submitting a complete permit application at least ninety (90) days prior to the expiration of the Industrial User's existing discharge permit. The Industrial User shall file a permit application on forms provided by the City containing the information specified in subsection 8-11-6(6).

(b) An Industrial User with an existing permit that has filed a complete and timely permit application may continue to discharge, as approved in writing by the City, through an administrative extension of the existing permit if the delay in permit issuance is not due to any act or failure to act on the Industrial User's part.

(c) If a permit expires and the Industrial User fails to submit a complete or timely permit application as required, discharge into the POTW shall cease until a complete permit application has been submitted to the Director and a new Industrial Wastewater Discharge Permit issued. Discharge by an Industrial User without proper authorization shall be prohibited and a violation of this Chapter.

(4) Other Industrial Users. The City may require other industrial users to apply for and obtain wastewater discharge permits or similar control mechanisms necessary to carry out the purposes of this Chapter. The City may issue an Industrial Wastewater Discharge Permit, a zero discharge permit, or other control mechanism as needed to prohibit the discharge of some or all non-domestic process wastewater from an Industrial User or to establish other Pretreatment Standards or Requirements.

(5) Enforceability. Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit, failure to apply for a permit as required, or discharging without a required permit shall be deemed a violation of this Chapter and subjects the Industrial User to enforcement by the City. Obtaining an Industrial Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all State and federal Pretreatment Standards or Requirements.

(6) Permit Application Contents. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name of business, address of the facility, location of the discharge if different from the facility address, and contact information for the owner, operator, and the Authorized Representative of the Industrial User.

(b) Environmental Permits. A list of any environmental control permits held by or for the facility.

(c) Description of Operations.

(i) A brief description of the nature and the average and maximum rate of production (including each product produced by type, amount, processes, and rate of production);

(ii) The Standard Industrial Classification(s) of the operation(s) carried out by such Industrial User;

(iii) A schematic process diagram, which indicates all process tanks, process lines, treatment systems, drains, and points of discharge to the POTW from each regulated process and source of non-domestic wastewater;

(iv) A listing of all non-domestic process streams and the type(s) of wastes generated from each process;

(v) A list of all raw materials and chemicals used or stored at the facility;

(vi) Number of employees; and,

(vii) Hours of operation, and proposed or actual hours of operation.

(d) Time and duration of discharges including the date the industrial user first began discharge or plans to discharge to the POTW.

(e) The location for sampling the wastewater

discharges from the Industrial User.

(f) Flow measurement. Information showing the average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Section 403.6(e). For New Sources and new permittees not currently discharging, an estimate of flows may be used for meeting the requirements of the Baseline Monitoring Report required in subsection 8-11-15(2).

(g) Measurement of Pollutants.

(i) The Pretreatment Standards applicable to each regulated process;

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass of regulated pollutants in the discharge from each regulated process where required by the Standard or by the City;

(iii) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;

(iv) The sample shall be representative of daily operations and shall be collected in accordance with procedures set out in subsection 8-11-13(1) and (2). Where the Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User shall submit documentation as required by the City or the applicable Standard to determine compliance with the Standard;

(v) Analyses must be performed in accordance with procedures set out in subsection 8-11-13(3); and,

(vi) In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation as required by the District or the applicable Standard to determine compliance with the Standard.

(h) A list of hazardous waste(s) generated and a description of the storage area and procedures for handling and disposal of the wastes.

(i) A Slug Discharge Control Plan for Significant Industrial Users as described in subsection 8-11-15(5) shall be submitted as required by the City. Other industrial users shall be required to submit a Slug Discharge Control Plan on a case-by-case basis as required by the Director.

(j) Compliance Schedule. If additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine (9) months.

(ii) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.

(k) Certification. A statement, reviewed by the Authorized Representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

(l) Signatory Certification. All Industrial Wastewater Discharge Permit applications and certification statements must be signed by the Authorized Representative of the Industrial User and contain the applicable certification statement(s) in subsection 8-11-15(8).

(m) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(7) Industrial Wastewater Discharge Permit Issuance.

(a) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the City's discretion or may be stated to expire on a specific date.

(b) Where the City is issuing a permit containing a permit specific Pretreatment Standard or Requirement not otherwise contained in this Chapter, the Pretreatment Standard or Requirement shall be noticed for public comment for thirty (30) days in a newspaper of general circulation that provides meaningful public notice.

(c) The City shall issue an Industrial Wastewater Discharge Permit to the applicant if the City finds that all of the following conditions are met:

(i) The applicant has provided a timely and complete permit application to the City;

(ii) The proposed discharge by the applicant is in compliance with the Pretreatment Standards and

Requirements established in this Chapter;

(iii) The proposed operation and discharge of the applicant would permit the normal and efficient operation of the POTW; and,

(iv) The proposed discharge by the applicant would not result in a violation by the City of the terms and conditions of its NPDES Permit or cause Pass Through or Interference.

(d) If the City finds that the condition set out in Subsection (2)(ii) of this Section is not met, the City may, at their discretion, issue an Industrial Wastewater Discharge Permit to the applicant if the conditions set out in subsections (c)(i), (c)(iii) and (c)(iv) of this Section have been met and if the applicant submits, and the City approves, a compliance schedule setting out the measures to be taken by the applicant and the dates that such measures will be implemented to insure compliance with applicable Pretreatment Standards and Requirements. At no time shall a discharge be allowed to cause a violation of any General or Specific Prohibition established in Section 8-11-3 nor shall the final compliance date for a Categorical Pretreatment Standard be extended.

(e) Any Industrial User may petition the Director to reconsider the terms of an Industrial Wastewater Discharge Permit within thirty (30) days of the permit issuance. Failure to submit a timely petition shall be deemed to be a waiver of further administrative appeals. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Wastewater Discharge Permit. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal. If the Director does not act on such appeal within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to modify a permit shall be considered final administrative actions for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative Industrial Wastewater Discharge Permit decision must do so by filing a complaint with a court of competent jurisdiction.

(f) Denial by City to Issue a Wastewater Discharge Permit.

(i) In the event the City denies an Industrial User's request for a permit to discharge, the Director shall notify the applicant in writing of such denial. Such notification shall state the grounds for such denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit.

(ii) Upon receipt of notification of denial of permit issuance, the applicant may request and shall be granted a hearing to be held by an Administrative Hearing Officer designated by the Mayor , provided the request is submitted in writing to the Director within fourteen (14) days of receipt of the Director's original notification of denial. At such hearing the applicant shall have the burden of establishing that the conditions set out in paragraph (c) of this Section have been met and that a permit should be issued.

(iii) Except as provided in this Chapter, the procedure for the hearing shall be as established in Chapter 1-28.

(iv) Upon review of the evidence by the Administrative Hearing Officer the Administrative Hearing Officer shall make written findings of fact. Thereupon, the Director may issue an Industrial Wastewater Discharge Permit, or may direct that such permit shall not be issued, or give such other or further orders and directives as necessary and appropriate.

(v) The decision by the Administrative Hearing Officer not to reconsider, issue, or reissue an Industrial Wastewater Discharge Permit, shall be considered final administrative action for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative Industrial Wastewater Discharge Permit decision must do so by filing a complaint with a court of competent jurisdiction.

(8) Transferability. An Industrial Wastewater Discharge Permit is issued to a specific Industrial User for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the prior written approval of the City. Any succeeding owner shall comply with the terms and conditions of the existing permit until a new permit is issued. The Permittee shall notify the City at least thirty (30) days prior to any change of ownership. Failure to provide advance notice of a transfer or assignment renders the Industrial Wastewater Discharge Permit void as of the date of facility transfer and discharge of wastewater prohibited and shall be a violation of this Chapter.

(Ord. 2015-17, June 3, 2015)

8-11-7. Industrial Wastewater Discharge Permit Conditions.

Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, user charges and fees established by the City.

(1) Permits shall contain the following:

(a) A statement that indicates the permit's issuance date, expiration date, and effective date;

(b) A statement on permit non-transferability;

(c) Limits on the average and/or maximum wastewater constituents and characteristics including, but not limited to, effluent limits, including Best Management Practices, based upon applicable Pretreatment Standards;

(d) Self-monitoring, sampling, reporting, notification and record-keeping requirements including, but not limited to, identification of the pollutants or BMPs

to be monitored, sampling location, sampling frequency, and sample type, based on federal, state, and local law;

(e) Statements of applicable administrative, civil and criminal penalties for the violation of Pretreatment Standards and Requirements, the permit, this Chapter, and any applicable compliance schedule; and,

(f) Requirements to control and report any slug discharges and notify the City immediately of any changes at its facility affecting potential for a Spill or Slug Discharge and to notify the POTW immediately in the event of a Slug Discharge, spill, or accidental discharge to the POTW.

(2) Permits may also include, as appropriate:

(a) Applicable schedule of user charges and fees for the wastewater to be discharged into a public sewer;

(b) Limits on average and maximum rate and time of discharge or requirements for flow;

(c) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(d) Best Management Practices (BMPs) to control specific pollutants as necessary to meet the objectives of this Chapter;

(e) Compliance Schedules;

(f) Requirements to apply for a new permit prior to expiration of the existing permit;

(g) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(h) Closure requirements for permitted facilities undergoing partial or complete closure activities to ensure that closure activities are completed, wastes have been properly disposed of, and remaining access to sanitary and storm sewers are protected; and,

(i) Other terms and conditions as deemed appropriate by the Director to ensure compliance with all applicable local, state, and federal rules and regulations. (Ord. 2015-17, June 3, 2015)

8-11-8. Industrial Wastewater Discharge Permit Modification.

The notification of an Industrial Wastewater Discharge Permit modification does not stay any wastewater discharge permit condition. The City may modify an Industrial Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements or to reflect changes in applicable State or federal Standards;

(2) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the Industrial Wastewater Discharge Permit issuance;

(3) A change in the POTW that requires either a temporary or permanent change in, reduction of, or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters where the POTW discharges;

(5) Violation of any terms or conditions of the Industrial Wastewater Discharge Permit;

(6) Misrepresentations or failure to fully disclose all relevant facts and circumstances in the Industrial Wastewater Discharge Permit application or in any required reporting;

(7) To reflect a transfer of the facility ownership and/or operation to a new owner/operator;

(8) To correct typographical or other errors in the Industrial Wastewater Discharge Permit; or,

(9) Upon request of the Permittee, provided such request does not result in a violation of any applicable Pretreatment Standards or Requirements, or this Chapter. (Ord. 2015-17, June 3, 2015)

8-11-9. Industrial Wastewater Discharge Permit Revocation.

A violation of the conditions of a permit or of this Chapter or of applicable State or federal regulations shall be reason for revocation of such permit by the City. Upon revocation of the permit, any wastewater discharge from the affected Industrial User shall be considered prohibited and discharge of such wastewater in violation of this Chapter. Grounds for revocation of a permit include, but are not limited to, one or more of the following:

(1) Failure of an Industrial User to accurately disclose or report the wastewater constituents and characteristics of any discharge;

(2) Failure of the Industrial User to report significant changes in operations or wastewater constituents and characteristics as required;

(3) Refusal of access to the Industrial User's premises for the purpose of inspection or monitoring;

(4) Falsification of records, reports, or monitoring results;

(5) Tampering with monitoring equipment;

(6) Misrepresentation or failure to fully disclose all relevant facts and circumstances in the Industrial Wastewater Discharge Permit application;

(7) Failure to pay fines or penalties;

(8) Failure to pay sewer charges, surcharges, or pretreatment programs fees;

(9) Failure to meet compliance schedules;

(10) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(11) Failure to provide required reports, including but not limited to, a wastewater survey, baseline monitoring report, 90-day compliance report, permit application, self-monitoring report, or other permit required reports or notifications within the timeframe

required by the City; or,

(12) Violation of any Pretreatment Standard or Requirement, or any terms of the Industrial Wastewater Discharge Permit or this Chapter.

(Ord. 2015-17, June 3, 2015)

8-11-10. Special Agreements and Contracts.

No statement contained in this Chapter shall be construed as prohibiting special written agreements between the City and any Industrial User allowing industrial waste or wastewater of unusual strength or character to be discharged to the POTW, provided said Industrial User compensates the City for any additional costs of treatment. Such agreement, however, shall not allow or cause:

(1) Any adverse effect to the POTW;

(2) A violation of the POTW UPDES permit;

(3) A violation of a General or Specific Prohibition;

(4) A Maximum Allowable Industrial Load (MAIL) to be exceeded;

(5) A violation of State or federal law or regulation; or,

(6) Provide any waiver to applicable Categorical Pretreatment Standard.

(Ord. 2015-17, June 3, 2015)

8-11-11. Recordkeeping.

(1) All Industrial Users shall retain, and make available for inspection and copying, all records, reports, monitoring or other data, applications, permits and all other information and documentation required by this Chapter including documentation associated with Best Management Practices.

(2) Industrial users shall retain such records and shall keep such records available for inspection for at least three (3) years. This recordkeeping period shall be extended automatically for the duration of any litigation concerning the Industrial User's compliance with any provision of this Chapter, or when the Industrial User has been specifically and expressly notified of a longer records retention period by the Director.

(3) Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report by the City shall govern.

(Ord. 2015-17, June 3, 2015)

8-11-12. Confidentiality Information.

(1) All records, reports, data, and other information supplied by any person or Industrial User as a result of any disclosure required by this Chapter or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the Utah Government Records Access and Management Act (Utah Code Title 63G, Chapter 2).

(2) These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The Industrial User must demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the Industrial User.

(3) Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees, or authorized representatives of the City charged with implementing and enforcing the provisions of this Chapter and properly identified representatives of the U.S. Environmental Protection Agency and the State of Utah and as required by law.

(4) Effluent data from any Industrial User, whether obtained by self-monitoring, monitoring by the City, or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection as required by law.

(Ord. 2015-17, June 3, 2015)

8-11-13. Sample Collection and Analytical Methods.

(1) Sample Collection. Compliance determinations with respect to prohibitions and limitations in this Chapter may be made on the basis of either grab or composite samples of wastewater as specified by the City. Such samples shall be taken at a point or points which the City determines to be suitable for obtaining a representative sample of the discharge. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined by the City to meet specific circumstances.

(2) Sample Type. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in subparagraphs (b) and (c) below, the Industrial User must collect representative wastewater samples using twenty-four (24) hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is required by the City. Where time-proportional composite

sampling or grab sampling is authorized by the City, the samples must be representative of the permitted discharge.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composited samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous local limits, including pH.

(c) For sampling required in support of Baseline Monitoring and 90-day Compliance reports required in Section 8-11-15, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical representative sampling data do not exist. Where historical data are available, the City may authorize a lower minimum. The Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(3) Analytical Requirements. All pollutant analysis, including sampling techniques, to be submitted as part of an Industrial Wastewater Discharge Permit application, report, permit or other analyses required under this Chapter shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by the EPA. All laboratory analyses shall be conducted by a laboratory certified by the Utah Bureau of Laboratory Improvements. If, for a specific pollutant, a laboratory is not certified, the City or Industrial User may use a non-certified laboratory after consultation with the Utah Department of Environmental Quality, Division of Water Quality.

(4) Records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;

(b) The date(s) and time analyses were performed;

(c) The name of the person performing the analyses;

(d) The analytical techniques/methods used, including method detection limits and QA/QC sample results;

(e) All chain-of-custody records; and,

(f) The results of such analyses.

(Ord. 2015-17, June 3, 2015)

8-11-14. Right of Entry.

(1) Whenever it shall be necessary for the purposes of this Chapter, the City may enter upon any Industrial User's facility, property, or premises subject to this Chapter for the purposes of:

(a) Performing all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by an Industrial User. Compliance monitoring and inspection shall be conducted at a frequency as determined by the City and may be announced or unannounced;

(b) Examining and copying any records required to be kept under the provisions of this Chapter or of any other local, state, or federal regulation;

(c) The City may take photographs and recordings in and out of any areas of the facility as deemed necessary for carrying out the duties of the industrial pretreatment program including, but not limited to, documentation of the industrial user's compliance status and for reinforcement of required written reports. The industrial user shall be allowed to review copies of photographs and recordings for confidentiality claims.

(d) Inspecting any monitoring equipment or method, pretreatment system equipment, and/or operation;

(e) Sampling any discharge of wastewater into POTW; and

(f) Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under this Chapter, could originate, be stored, or be discharged to the POTW.

(2) As a condition of issuance of an Industrial Wastewater Discharge Permit, the Industrial User impliedly consents to the City's right of entry as described in this Section.

(3) The occupant of such property or premises shall render all proper assistance in such activities. Where an Industrial User has security measures in place which require proper identification and clearance before entry into its premises, the Industrial User shall make necessary arrangements with its security personnel so that authorized representatives of the City will be permitted to enter without delay to perform their specified functions.

(4) The Director and other duly authorized agents and employees of the City are entitled to enter all private properties through which the City or any connecting jurisdiction holds an easement or similar access or occupancy right.

(5) Failure to allow entry or unreasonable delays: In the event the City or other duly authorized representative of the City is refused admission or unreasonably delayed, such refusal or delay is a violation of this Chapter and may result in enforcement action as allowed for under this Chapter including revocation of the Industrial Wastewater Discharge Permit and/or physical termination of the discharge to the City.

(6) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the Director or authorized designee and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.

(7) Search Warrants. If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Director may seek issuance of a search warrant from a Court of competent jurisdiction.

(Ord. 2015-17, June 3, 2015)

8-11-15. Reporting and Notification Requirements.

(1) Periodic Monitoring Reports – All Significant Industrial Users.

(a) Any Significant Industrial User or other Industrial User required by the City, subject to a federal, state, or City Pretreatment Standard or Requirement, must submit reports, at a frequency determined by the City but no less than once per six (6) months, indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards, and the average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practices (BMPs) or pollution prevention alternatives, the Industrial User must submit documentation required by the City or the Pretreatment Standard necessary to determine compliance status of the Industrial User. All industrial monitoring reports must be signed and certified in accordance with Section 8-11-15(8).

(b) All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that the sample results are unrepresentative of its discharge.

(c) If an Industrial User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the methods and procedures prescribed in Section 8-11-13, the results of this monitoring shall be included in the report.

(d) The sampling and analyses required for the reporting outlined above may be performed by the City in lieu of the permittee. Where the City itself makes arrangements with the Industrial User to collect all the information required for the report, the Industrial User will not be required to submit the report.

(2) Baseline Monitoring Reports (BMR) – Categorical Industrial Users.

(a) Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a Category Determination under 40 CFR Section 403.6(a)(4), whichever is later, existing industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the City a report which contains the information listed in paragraph (b) below. A New Source shall report the method of pretreatment it intends to use to meet applicable Pretreatment Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged from regulated process streams and other non-process streams.

(b) Industrial users described above shall submit the information set forth below.

(i) All information required in subsection 8-11-6(6).

(ii) Measurement of pollutants.

1. The Industrial User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph.

2. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the Industrial User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 Section CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been

calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the City.

3. Sampling and analysis shall be performed in accordance with Section 8-11-13.

4. The City may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

5. The BMR shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6. Signature and Report Certification. All baseline monitoring reports must be signed in accordance with subsection 8-11-15(8) and signed by an Authorized Representative.

(3) 90-Day Compliance Reports – Categorical Industrial Users.

(a) New Sources: All New Sources subject to existing Categorical Pretreatment Standards shall submit a report to the City within ninety (90) days from the date of first discharge to the POTW demonstrating actual and continuing compliance with those Standards.

(b) Existing Sources: All Existing Sources required to comply with newly promulgated Categorical Pretreatment Standards shall submit a report to the City within ninety (90) days of the date on which compliance is required with those Standards demonstrating that actual and continuing compliance with such Standards has been achieved.

(c) Such 90-day Compliance Report shall contain at a minimum the information required in subsection 8-11-6(6) paragraphs (e), (f), (g), (j), (k), (l) and (m).

(4) 24 Hour Notice and 30 Day Re-sampling. If sampling performed by an Industrial User indicates a violation of this Chapter, the Industrial User shall notify the City within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if the following occurs:

(a) The City performs sampling at the Industrial User's facility at a frequency of at least once per month.

(b) The City performs sampling at the Industrial User's facility between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling. It is the sole responsibility of the Industrial User to verify if the City has performed this sampling.

(5) Slug and Spill Discharges - Notification and Plan Development.

(a) Each Industrial User shall provide protection from spills and slug discharges of pollutants regulated under this Chapter. Facilities to prevent the discharge of spills or slug discharges shall be provided and maintained at the Industrial User's expense.

(b) Each permitted Industrial User shall report all spills to the City that occur within the boundaries of the User's facility whether or not the spills result in a discharge to the POTW.

(c) The City shall evaluate whether each Significant Industrial User needs a Slug/Spill Discharge Control Plan or other action to control spills and slug discharges. The City may require an Industrial User to develop, submit for approval, and implement a Slug/Spill Discharge Control Plan or take such other action that may be necessary to control spills and slug discharges.

(d) A Slug/Spill Discharge Control Plan shall address, at a minimum, the following:

(i) Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;

(ii) Description of contents and volumes of any process tanks;

(iii) Description of discharge practices, including non-routine batch discharges;

(iv) Listing of stored chemicals, including location and volumes;

(v) Procedures for immediately notifying the City of any spill or Slug Discharge. It is the responsibility of the Industrial User to comply with the reporting requirements in subsection 8-11-15(6);

(vi) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response; and,

(vii) Any other information as required by the City.

(e) Notice to employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or slug discharge may occur or originate are advised of the emergency notification procedures.

(6) Reports of Potential Problems – Slug Discharges.

(a) In the case of any changes at its facility affecting potential for a Slug Discharge as defined in Section 8-11-1(35), the Industrial User shall immediately telephone and notify the City of the incident. This notification shall include:

(i) Name of the facility

(ii) Location of the facility

(iii) Name of the caller

(iv) Date and time of discharge

(v) Date and time discharge was halted

(vi) Location of the discharge

(vii) Estimated volume of discharge

(viii) Estimated concentration of pollutants in discharge

(ix) Corrective actions taken to halt the discharge

(x) Method of disposal if applicable

(b) Within five (5) working days following such discharge, the Industrial User shall, unless expressly waived by the City, submit a detailed written report that includes all of the information contained in paragraph (6)(a) above and any other information describing the cause(s) of the discharge and the measures to be taken by the Industrial User to respond to the discharge and to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

(7) Reports for Other Significant Industrial Users. If the City deems it necessary to assure compliance with provisions of this Chapter, any Industrial User of the POTW may be required to submit an Industrial Wastewater Discharge Permit application, questionnaire, or other reports and notifications in a format and timeframe as specified by the City.

(8) Signatory Certification. All reports and other submittals required to be submitted to the City shall include the following statement and signatory requirements.

(a) The Authorized Representative of the Industrial User signing any application, questionnaire, any report, or other information required to be submitted to the City must sign and attach the following certification statement with each such report or information submitted to the City.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

(b) If the Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in subsection 8-11-15(8) must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

(9) Compliance Schedules. Should any schedule of compliance be established in accordance with the requirements of this Chapter, the compliance schedule shall be as specified in subsection 8-11-6(6)(j).

(10) Change in Discharge or Operations.

(a) Every permitted Industrial User shall file a notification with the City a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:

(i) Adding or removing processing, manufacturing, or other production operations;

(ii) New pollutants used which might be discharged; and,

(iii) Changes in the listed or characteristic hazardous waste for which the Industrial User has submitted or is required to submit information to the City under this Chapter and UAC R317-8-8.11(14)(d).

(b) Known or anticipated facility closure. The Industrial User is required to notify the City at least thirty (30) days prior to facility shutdown or closure which might alter the character, nature, quality, or volume of its wastewater.

(11) Notification of the Discharge of Hazardous Waste.

(a) Any Industrial User shall notify the City, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under UAC R315-2. Such notification shall be made to the City and shall be in addition to any other notifications required in Section 8-11-15. Notification to the City shall be immediate and written notification no later than twenty-four (24) hours of becoming aware of the discharge. Such notification must include:

(i) The name of the hazardous waste as set forth at UAC R315-2;

(ii) The EPA hazardous waste number;

(iii) The type of discharge (continuous, batch, or other);

(iv) An identification of the hazardous constituents contained in the wastes;

(v) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;

(vi) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months;

(vii) Certification that the Industrial User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical; and,

(viii) Signatory certification as required by subsection 8-11-15(8).

(b) Any Industrial User shall notify the EPA Regional Waste Management Division Manager, and state hazardous waste authorities, in writing, of the discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under UAC R315-2 and meets the reporting criteria specified at R317-8-8.11(14)(d). Notification to the State and EPA is the responsibility of the Industrial User and shall be made as required under R317-8-8.11(14)(d). The Industrial User shall copy the City on all notifications made to the State and EPA.

(c) In the case of any new regulation adopted by EPA or the Utah Solid and Hazardous Waste Board identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the City, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) This provision does not create a right to discharge any substance not otherwise allowed to be discharged by this Chapter, a permit issued hereunder, or any applicable federal or state law.

(12) Requests for Information.

(a) A permittee shall furnish to the City, within the timeframe set by the Director, any information which the City may request to determine whether cause exists for modifying, revoking, reissuing, or terminating an Industrial Wastewater Discharge Permit, or to determine compliance with the Industrial Wastewater Discharge Permit or this Chapter. A permittee shall also, upon request, provide to the City, within the timeframe required by the Director, copies of any records that are required by the Industrial Wastewater Discharge Permit or this Chapter.

(b) When requested by the City, any Industrial User shall submit information to the Director regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the Director to meet the responsibilities under this Chapter, UAC R317-8-8 and 40 CFR Part 403. Failure to provide information within the timeframe specified shall be a violation of this Chapter.

(Ord. 2015-17, June 3, 2015)

8-11-16. Sector Control Programs.

(1) General Requirements.

(a) Authority. The City may establish specific sector control programs for industrial users to control specific pollutants as necessary to meet the objectives of this Chapter. Pollutants subject to these sector control programs shall generally be controlled using Best Management Practices (BMPs).

(b) Facility Identification and Compliance. The City shall implement procedures to identify industrial users for inclusion into applicable sector control programs. Once identified and included into one or more sector control program, the facility shall be required to comply with the applicable sector control program requirements.

(c) Management Review. The City shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, change in use, or other change that could change the nature, properties, or volume of wastewater discharge to ensure that current sector control program requirements are incorporated and implemented.

(d) The Industrial User shall notify the City in writing at least 30 days prior to:

(i) Sale or transfer of ownership of the business;

(ii) Change in the trade name under which the business is operated;

(iii) Change in the nature of the services provided that affect the potential to discharge sector control program pollutants; or,

(iv) Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through theDepartment, or any other formal Tooele approval process.

(e) Inspections.

(i) The City may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with sector control program requirements.

(ii) If any inspection reveals non-compliance with any provision of a sector control program requirement, corrective action shall be required pursuant to the applicable sector control program.

(iii) Inspection results will be provided in writing to the facility upon request.

(f) Closure. The City may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, filling in and/or cementing, capping, plugging, etc.

(g) Enforcement and Compliance.

(i) These requirements form a part of this Chapter. Enforcement of this regulation is governed by

the express terms herein and the enforcement provisions of this Chapter.

(ii) Any extraordinary costs incurred by the City due to Interference, damage, Pass Through, or other violation of this Chapter, or maintenance necessary in the treatment and/or collection system shall be paid by the Industrial User to the City. The direct costs of all labor, equipment, and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner or the Industrial User by the City, and such costs shall become part of the total charges due and owing to the City and shall constitute a lien on the Industrial User until paid in full.

(2) Fats, Oils, and Grease (FOG) and Sand/Oil Separator Best Management Practices.

(a) Applicability: These Best Management Practices (BMP's) establish requirements for any facility that has the potential to discharge Fats, Oils, and Grease (FOG). These pollutants contribute to sewer blockages, causing sanitary sewer overflows and backups into homes and businesses and increasing the costs to the City to maintain the collection lines. The requirements established in this BMP shall apply to industrial users where preparation, manufacturing, processing of food or washing/sanitizing of dishes or equipment occurs and includes, but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing homes, and other facilities that prepare, service, or otherwise make foodstuff available for consumption. These users shall install and maintain a Gravity Grease Interceptor (GGI) within ninety (90) days of being notified of such requirement.

(b) "Gravity Grease Interceptor" or "GGI" is an in-ground tank containing at least one baffle in which solids, greases, and oils are separated from wastewater, located outside the Industrial User's building and made accessible by at least two manhole covers.

(c) "Hydromechanical Grease Interceptor" or "HMGI" or "grease trap" is a small device hooked directly to the outgoing drains of sinks located inside a commercial food preparation facility that allows for the separation of fats, oils, and grease of a non-petroleum nature from wastewater prior to being discharged into the POTW.

(d) A GGI that was legally and properly installed at an industrial user's facility prior to the effective date of this Chapter shall be acceptable as an alternative if such device is effective in removing floatable and settleable material and is designed and installed is such a manner that it can be inspected and properly maintained. If the Director determines at any time that such GGI is incapable of adequately retaining the floatable and settleable material or if it was installed in such a manner that it cannot be inspected and properly maintained, the industrial user shall install a GGI that complies with all City codes within ninety (90) days after being notified in writing of such requirement.

(e) Implementation. These FOG require-ments may be implemented by letter, order, or permit.

(f) Variance.

(i) A variance as to the requirements may be granted by the Director in writing for good cause. The facility has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in violation of any Pretreatment Standard or Requirement specified in this Chapter and applicable to the discharge. The granting of any variance shall be at the sole discretion of the City and may be revoked at the sole discretion of the City. A variance decision is not a land use decision, does not involve a protected property right, and may not be appealed.

(ii) If a variance is granted, the facility shall institute Best Management Practices and other mitigation measures as specified by the Director. These BMPs may include, but not be limited to:

1. Allow the installation of a Hydromechanical Grease Interceptor (HMGI) or continue to allow the use of an HMGI in lieu of installing a GGI where the HMGI is shown to be effective. If a HMGI is not shown to be effective, the City may require the industrial user to install a GGI.

2. All sinks and drains which are connected to the sanitary sewer shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the sewer system.

3. Food grinders are prohibited unless the industrial user installs and properly operates a solids separator prior to discharge to the POTW.

4. Biological treatment or enzyme treatment shall not be used. Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.

5. An employee training program shall be instituted on a periodic basis and for all new employees on FOG waste management.

6. Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease, and solids or as otherwise specified.

7. Submit records of the private service line cleaning as specified by the City.

8. Pay the costs incurred by the City or other jurisdiction for accelerated sewer line cleaning on the sewer line providing service to the POTW, costs to the City for treating the excess strength waste, and any costs for sampling and analysis. The City believes that these costs will be comparable to costs incurred by a user that installs and maintains a GGI.

(g) General Control Requirements.

(i) A GGI shall be required for the proper handling of liquid wastes which may be harmful to, or

cause obstruction, in the wastewater collection system or cause or contribute to Pass Through or Interference.

(ii) It shall be the responsibility of the industrial user and owner of the property to contact the City for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the interceptor required to control discharges into the POTW. Written approval from the City must be obtained prior to installation of the interceptor. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter.

(iii) The design and sizing of GGIs shall be in accordance with applicable City Building Codes and the latest International Building Code. The GGI shall be designed, sized, installed, maintained, and operated so as to accomplish the intended purpose of intercepting pollutants from the industrial user's wastewater and preventing the discharge of such pollutants to the City's wastewater collection system, including pollutants that result in toxic, noxious or malodorous conditions that create a public nuisance or unsafe working conditions which endanger life or the environment. .

(iv) A sampling manhole shall be installed for every GGI installed in Tooele City. The sampling manhole shall be placed on the outgoing lateral line of the interceptor prior to the sewer main line. The sampling manhole shall be placed within six (6) feet of the interceptor whenever possible and shall be extended to the finished grade. All interceptors shall have at least a four-inch (4") inlet and a four-inch (4") riser formed in the baffle. Interceptor manholes shall have lids which remain uncovered and unobstructed at all times, to enable inspection.

(v) Upon change of ownership of any existing facility which would be required to have an interceptor under this Chapter, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning GGI is installed.

(vi) Toilets, urinals, and similar fixtures shall not waste through a GGI. Such fixtures shall be plumbed directly into the building sewer and waste system.

(vii) All sinks which are connected to a GGI shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the GGI. Food grinders are prohibited unless the industrial user installs and properly operates a solids separator prior to the GGI.

(viii) The Industrial User must ensure interceptors are easily accessible for inspection, cleaning, and removal of FOG.

(ix) The Industrial User must maintain interceptors at their expense and keep in efficient operating condition at all times by the regular removal of accumulated FOG.

(x) Each Industrial User shall submit a report/manifest/trip ticket to the POTW each time a GGI is cleaned, pumped or repaired, but in no case less frequently than once per quarter. This record shall include the date of cleaning, name of the company that serviced the GGI, the amount of waste that was removed, disposal location, and must be signed by the waste hauler. The removed contents from any GGI shall be disposed of in accordance with federal, state, and local regulations.

(h) Required Maintenance.

(i) GGIs shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oils, and grease from the facility's wastewater and prevent the discharge of said materials into the City's wastewater collection system. A GGI shall be serviced at a minimum of every ninety (90) days. Interceptors must be cleaned whenever the combined thickness of the floating greases and settled solids is greater than 25% of the hydraulic working capacity of the GGI.

(ii) The City may require more frequent cleaning than that prescribed in paragraph (h)(i) above. A variance from the requirement in paragraph 6, a. may be obtained if the industrial user can demonstrate through analytical data that less frequent cleaning is sufficient.

(iii) Maintenance of grease interceptors shall be done only by a business/professional normally engaged in the servicing of such plumbing fixtures.

(iv) In the event a GGI is not properly maintained the City may authorize such maintenance work to be performed on behalf of the industrial user. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owing to the City and shall become part of the charges due and owned to the City. The tenants and owners shall be jointly and severally liable for these costs. All unpaid costs shall become a lien on the property.

(v) Biological treatment or enzyme treatment shall not be a substitute for the servicing of a GGI. Use of enzymes or other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is prohibited.

(vi) The industrial user must document each pump-out with a waste manifest or trip ticket and these records submitted to the Director within 15 days of the pump-out. All records must be kept by the industrial user on site for at least three (3) years.

(vii) The Industrial User must take reasonable steps to assure that all waste is properly disposed of in accordance with federal, state, and local regulations (i.e. through a statement certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).

(Ord. 2015-17, June 3, 2015)

8-11-17. Compliance and Enforcement.

(1) Enforcement Response Plan. The City may adopt policies and procedures as set forth in the City's Pretreatment Enforcement Response Plan for carrying out the provisions of this Chapter, provided that such policies and procedures are not in conflict with this Chapter or any applicable state or federal law or regulation.

(2) Publication of Industrial Users in Significant Noncompliance. The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. In addition, any Industrial User found to be in Significant Noncompliance with paragraphs (c), (d) or (h) below shall also be published in the newspaper. The following criteria shall be used to define Significant Noncompliance:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date a compliance schedule milestone date contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or,

(h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines may adversely affect the operation or implementation of the local pretreatment program.

(3) Administrative Enforcement Actions.

(a) Notice of Violation (NOV). Whenever the Director finds that an industrial user has violated or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon such industrial user a written Notice of Violation. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for satisfactory correction and prevention of further violations shall be submitted to the Director. Submission of such a plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) Administrative Order. When the City finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an Administrative Order to the Industrial User responsible for the discharge directing that the industrial user come into compliance within a specific time. If the industrial user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. An Administrative Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

(c) Consent Order. The City may enter into a Consent Order, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such documents shall include specific actions to be taken by the Industrial user to correct the noncompliance within a time period specified by the document. A Consent Order may include penalties, supplemental environmental projects, or

other conditions and requirements as agreed to by the City and the industrial user. A Consent Order shall have the same force and effect as a Compliance Order and shall be judicially enforceable.

(d) Show Cause Hearing.

(i) The Director may order an industrial user which has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the industrial user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(ii) After the Director has reviewed the evidence, the Director may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate to correct the violation may be issued.

(e) Cease and Desist Order.

(i) When the Director finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the industrial user's past violations are likely to recur, the Director may issue a Cease and Desist Order to the industrial user directing it to cease and desist all such violations and directing the industrial user to:

1. Immediately comply with all requirements; and,

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(ii) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

(f) Administrative Fines.

(i) When the Director finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such industrial user in an amount not to exceed one thousand dollars ($1,000). Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(ii) Industrial users desiring to appeal such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing pursuant. Where a request has merit, the Director may convene a show cause hearing on the matter. In the event the Industrial User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the industrial user.

(iii) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

(g) Suspension of Service.

(i) Endangerment to Health or Welfare of the Community: The City, through other than a formal notice to the affected industrial user, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW of the City or any wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.

(ii) Endangerment to Environment or Treatment Works: The City, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the City, any area under jurisdiction of the City, the POTW, wastewater system tributary thereto, by any means available to them, including physical disconnection from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.

(iii) Any person notified of a suspension of the wastewater treatment service and/or the Industrial Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The City may reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof

of the elimination of the non-complying discharge.

(iv) A detailed written statement submitted by the Industrial User describing the causes of the discharge and the measures taken to prevent any future occurrence shall be provided to the City within five (5) days of the date of occurrence. Suspension of Service shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

(h) Revocation of Industrial Wastewater Discharge Permit. An Industrial Wastewater Discharge Permit may be revoked by the City as specified in Section 8-11-9. Upon revocation of the permit, any wastewater discharge from the affected Industrial User shall be considered prohibited and discharge of such wastewater in violation of this Chapter.

(4) Administrative Appeals. Appeals of Administrative Enforcement Actions shall be to a Tooele Administrative Hearing Officer.

(5) Judicial Enforcement Remedies.

(a) Injunctive Relief. When the City finds that an industrial user has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Wastewater Discharge Permit, order, or other requirement imposed by this Chapter on activities of an Industrial User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

(b) Civil Penalties.

(i) An Industrial User who has violated, or continues to violate, any provision of this Chapter, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty not to exceed ten thousand dollars ($10,000) per day per violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.

(ii) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(iii) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an industrial user.

(c) Civil/Administrative Fine Pass Through. In the event that an Industrial User discharges such pollutants which cause the City to violate any condition of its NPDES permit and the City is fined by the EPA or the State for such violation, then such industrial user shall be fully liable for the total amount of the fine assessed against the City by the EPA and/or the State and the City may use all legal means to collect such sums from the Industrial User.

(d) Criminal Penalties.

(i) An Industrial User that knowingly or recklessly violates any provision of this Chapter, any orders or an Industrial Wastewater Discharge Permit issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars ($1,000) for each violation and/or by imprisonment up to ninety (90) days.

(ii) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Chapter, or Industrial Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000.00) for each violation and/or by imprisonment up to ninety (90) days.

(iii) The City may refer violations that may warrant criminal prosecution to the U.S. Attorney General's Office, State Attorney General, EPA Criminal Investigation Division, or other appropriate agency. This referral shall not preclude the City from taking a parallel administrative or civil enforcement action.

(Ord. 2015-17, June 3, 2015)

8-11-18. Remedies Nonexclusive.

The remedies provided for in this Chapter are not exclusive of any other remedies that the City may have under the provisions of Utah law. The City may take any, all, or any combination of these actions against a noncompliant industrial user. Enforcement of violations under this Chapter will generally be in accordance with the City's Pretreatment Enforcement Response Plan. However, the City may take any other action against an Industrial User when the circumstances warrant and may take more than one enforcement action against any non-compliant industrial user.

(Ord. 2015-17, June 3, 2015)

8-11-19. Regulation of Industrial Users from Outside Jurisdictions.

(1) Outside Jurisdictions and Inter-Governmental Agreements (IGA).

(a) In order for the City to effectively implement and enforce Pretreatment Standards and Requirements for all industrial users discharging to the POTW and as required by 40 CFR Section 403.8(f), the

City may enter into Pretreatment inter-local agreements with contributing jurisdictions. Prior agreements shall be unaffected by these requirements until such time as the City determines that modifications are necessary.

(b) Prior to entering into an IGA under this Section the City shall seek to obtain the following information from the contributing jurisdiction(s):

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;

(ii) An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that are discharging to the POTW; and

(iii) A requirement that the contributing jurisdiction submit an updated user inventory on at least an annual basis if such jurisdiction has non-domestic users;

(iv) A requirement that the contributing jurisdiction provide the City with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users; and

(v) A report of any prior instances of Pass Through or Interference at the contributing jurisdiction POTW.

(vi) Other requirements as necessary for the City to guarantee the effective administration and enforcement of the Pretreatment Program.

(2) Industrial Users in Outside Jurisdictions with no IGA In-Place. Until such time as the City and a jurisdiction enter into an ILA for pretreatment program delegation, the City shall have the option to exercise any of the following options:

(a) Prohibit the discharge of non-domestic wastewater from an Industrial User located in another jurisdiction;

(b) Request the jurisdiction to issue a Permit or Order to the Industrial User that is equivalent to the Industrial Wastewater Discharge Permit and all Pretreatment Standards and Requirements required by the City; and,

(c) Enter into a contract with the Industrial User that binds the Industrial User to compliance with all Pretreatment Standards and Requirements in an Industrial Wastewater Discharge Permit issued by the City to the Industrial User.

8-11-20. Affirmative Defense - Prohibited Discharge Standards.

(1) An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibitions in subsection 8-11-3(1) and the Specific Prohibitions in Section 8-11-3, paragraphs (b), (d), (e), (f), or (g) of this Chapter where the industrial user can demonstrate that:

(a) It did not know, or did not have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference; and:

(i) A local limit designed to prevent Pass Through and/or Interference, as the case may be was developed for each pollutant in the industrial user's discharge that caused Pass Through or Interference, and the industrial user was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

(ii) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed for the pollutant(s) that caused the Pass Through or Interference, the industrial user's discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

(Ord. 2015-17, June 3, 2015)

8-11-21. Severability.

If any part, section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Chapter. The City Council hereby declares that it would have passed the Chapter in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

(Ord. 2015-17, June 3, 2015)

CHAPTER 12. SUBDIVISIONS.
Renumbered and Repealed.
(Ord. 2015-17, June 3, 2015)

CHAPTER 13. POTW SEWER CONSTRUCTION.
Renumbered and repealed.
(Ord. 2015-17, June 3, 2015)

CHAPTER 14. NO-FAULT UTILITIES ASSISTANCE

8-14-1. Short title.
8-14-2. Purpose.
8-14-3. Definitions.
8-14-4. Administration and establishment of regulations.
8-14-5. Reimbursement Application - Time limitations.
8-14-6. Applications - Investigation and recommendation.
8-14-7. Criteria for payment.
8-14-8. Maximum payments.
8-14-9. Payment does not imply liability - Release Required.
8-14-10. Annual budget expenditures.
8-14-11. Applications from other governmental agencies.

8-14-1. Short title.

The ordinance codified in this Chapter shall be known as the "No-fault Utilities Assistance Ordinance." (Ord. 2022-09, 03-16-2022) (Ord. 1988-34, 01-04-1989)

8-14-2. Purpose.

It is the purpose of this Chapter to provide financial assistance for losses sustained as the result of a break or backup in a city-owned and maintained watermain or sewer line, regardless of fault on the part of the City, within the restrictions, limitations, and other provisions of this Chapter.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-3. Definitions.

The following terms, as used in this Chapter, shall have these meanings:

(1) "Applicant" means an owner or lessee of a building, or their legal representatives, authorized agents, or assigns.

(2) “Incident” means an event of malfunction, break, or backup in a city-owned and maintained watermain or sewer line resulting in damage and loss to a building or its contents.

(3) “Lessee” means the tenants, collectively, occupying a building under a written lease agreement between the owner and the tenants.

(4) “Owner” means the owners, collectively, of a building.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-4. Administration and establishment of regulations.

The Mayor may establish regulations sufficient to provide for the handling of applications and disbursement of those funds which are set aside for payment under this Chapter.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-5. Reimbursement - Applications -Time limitations.

All applications for assistance under this Chapter must be on a City-approved application form and be submitted to the City Recorder within thirty (30) days after the incident giving rise to the loss occurs.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-6. Applications - Investigation and recommendation.

Applications received by the City Recorder shall be referred to the Department of Public Works for investigation and recommendation. The Department's report shall be forwarded to the City Attorney’s Office for determination under the criteria of this Chapter. All payments authorized by the City Attorney shall be made by the Director of the Department of Public Works.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-7. Criteria for payment.

(1) The determination as to whether to make payment on an application submitted pursuant to this Chapter shall be based on the following eligibility criteria:

(a) Whether an applicant suffered an otherwise uninsured property loss, caused by an incident, under circumstances where the applicant acted responsibly and reasonably to avoid the loss; and,

(b) Whether the extent of the loss has been adequately substantiated.

(2) The following shall result in the denial of an application:

(a) Application not timely submitted;

(b) Loss fully covered by private insurance;

(c) Applicant ineligible under the terms of this Chapter;

(d) Loss caused by an irresponsible or unreasonable act of the applicant, applicant’s agent, or member of applicant’s business or household; or,

(e) Loss or eligibility insufficiently substantiated.

(3) The following shall result in reduction of payment:

(a) Loss partially covered by private insurance;

(b) Loss exceeds funding limits of this Chapter;

(c) Verification of loss inadequate or incomplete; or

(d) Applicant did not cause the problem but failed to act responsibly and reasonably to minimize the loss.

(4) Dwellings. Only one owner and one lessee of as primary residential building may apply for assistance related to an incident.

(5) Non-residential Buildings. Only one owner of a non-residential building may apply for assistance related to an incident. Only one lessee per business premises in a non-residential building may apply for assistance related to an incident.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-8. Maximum payments.

(1) Payments under this Chapter shall not exceed $10,000 per incident.

(2) For budgeting purposes, payments under this Chapter shall not exceed $100,000 per fiscal year. However, the City Council may, in its sole discretion and without amendment to this Section, budget additional funds in any given fiscal year.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-9. Payment does not imply liability - Release required.

(1) Any payment of assistance under this Chapter shall not be construed as an admission of, nor does it imply, any negligence or responsibility on the part of the City. Any payment made under this Chapter is strictly voluntary on the part of the City.

(2) This Chapter shall not in any way supersede, change, waive, or abrogate the Government Immunity Act of Utah, and its application to the City, or establish in any person a right to sue the City.

(3) An application for assistance under this Chapter is not a claim against the City and does not satisfy the Notice of Claim requirements of the Governmental Immunity Act.

(4) Any payment of assistance under this Chapter and accepted by the applicant shall constitute a full and complete release of any and all claims against the City, its officers, employees, and agents for any damage or loss arising from the incident.

(5) Any payment of assistance under this Chapter shall be expressly conditioned upon the City first receiving a written release of liability, signed and notarized by the applicant, in a form acceptable to the City Attorney.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-10. Annual budget expenditures.

The Department of Public Works is authorized to provide for and include within its budget a fund from which payment of assistance may be made pursuant to this Chapter.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

8-14-11. Applications from other governmental agencies.

Notwithstanding any other provisions of this Chapter, no application shall be accepted from, and no assistance shall be paid to, the United States or any of its departments or agencies, or from the state of Utah or any of its political subdivisions, under this Chapter.
(Ord. 2022-09, 03-16-2022) (Ord. 2007-08, 04-18-2007) (Ord. 1988-34, 01-04-1989)

CHAPTER 15. OUTDOOR SMOKING

8-15-1. Smoking prohibited in outdoor places of public access.
8-15-2. Definitions.
8-15-3. Violation.

8-15-1. Smoking prohibited in outdoor places of public access.

Within the Tooele City corporate boundaries, smoking is prohibited within 25 feet of outdoor places of public access, including, but not limited to, public playgrounds, play pits, sporting areas, children and animal venues, gathering places, concession stands, and pathways; provided, however, that smoking is permissible at the Oquirrh Hills golf course, in public parking areas, and at other designated areas at such venues.
(Ord. 2013-14, 09-04-2013) (Ord. 2007-16, 04-18-2007)

8-15-2. Definitions.

As used in this Chapter:

(1) "Concession Stand" means any place intended for the distribution of goods and services in a public area.

(2) "Gathering Place" means any public area where people congregate or assemble, including, but not limited to, boweries, pavilions, amphitheaters, picnic tables, and booths.

(3) "Pathway" means any pathway located in a public area intended for walking, jogging, or biking.

(4) "Play Pit" means any designated play area within a public park for use by children, where the area is not contained by a fence. The boundary of a play pit shall be defined by the edge of the resilient surface of safety material, such as concrete, wood, or other material surrounding the play pit.

(5) "Playground" means any park or recreational area, specifically designed to be used by children, that may have play equipment installed, or any similar facility owned or operated by Tooele City.

(6) "Public Park" means any park owned or operated by Tooele City.

(7) "Smoking" means

(a) possessing any lighted or heated tobacco product in any form,

(b) inhaling, exhaling, burning, or heating a substance containing tobacco or nicotine intended for inhalation through a cigar, cigarette, e-cigarette, pipe, or hookah,

(c) using an electronic cigarette (or e-cigarette), and,

(d) using an oral smoking device intended to circumvent the prohibition of smoking in this Chapter.

(8) "Sporting Area" means any public area used for sporting events, including, but not limited to, bleachers, backstops, sports fields, ball diamonds, basketball courts, tennis or volleyball courts, skateboard areas, and swimming pools.

(9) "Tobacco" and "tobacco product" means cigarettes, electronic cigarettes (or e-cigarettes), and tobacco products as defined in Utah Code §59-14-102, as amended.
(Ord. 2013-14, 09-04-2013) (Ord. 2007-16, 04-18-2007)

8-15-3. Violation.

Any person, association, or corporation, or any officer of an association or corporation, who violates any provision of this Chapter shall be:

(1) on the first violation, guilty of an infraction; and

(2) on the subsequent similar violation within two years, guilty of a class C misdemeanor.
(Ord. 2007-16, 04-18-2007)

CHAPTER 16. SPECIAL EVENTS

8-16-1. Purpose.
8-16-2. Definitions.
8-16-3. Permit required - unlawful activity.
8-16-4. Exemptions from Chapter requirements.
8-16-5. Special event permit application - form.
8-16-6. Special event permit application - procedure - fees.
8-16-7. Special event permit approval - conditions - security - display.
8-16-8. Insurance - assumption of risk - indemnification - deposit.
8-16-9. Special event permit denial.
8-16-10. Appeals.
8-16-11. Costs - repairs.
8-16-12. Disclaimer.
8-16-13. Spontaneous assembly.
8-16-14. Distributing items from vehicles.
8-16-15. Authority of Tooele City.
8-16-16. Penalty for violation - enforcement.

8-16-1. Purpose.

The purpose of this Chapter is to establish reasonable and uniform regulations governing the time, place, and manner of holding special events within a Tooele City public right-of-way or on Tooele City public property, such as, a public park, in order to promote and protect the public health, safety, and general welfare, while honoring constitutionally protected speech and assembly.
(Ord. 2016-16, 09-21-2016)

8-16-2. Definitions.

The following terms are hereby defined for purposes of this Chapter.

Applicant - Both the person signing the special event permit application on behalf of the sponsoring entity and the sponsoring entity.

Block Party - A gathering of persons who live in the same geographic area.

City Services, Additional - Those municipal-type services deemed necessary in the sole discretion of Tooele City, over and above basic city services, necessary to protect the public convenience, health, safety, and general welfare of special event staff, participants, spectators, and others, including equipment, materials, and police, fire, and city inspection services.

City Services, Basic - Those municipal-type services generally provided to residents and businesses necessary to protect the public convenience, health, safety, and general welfare of special event staff, participants, spectators, and others, including culinary water, sanitary sewer, and garbage services.

Department - The department of Parks and Recreation.

Director - The director of the department.

Event, Athletic - An organized competitive or recreational activity or event in which a group of people engages in a sport, a race, or a form of physical exercise entirely or partially within a public right-of-way or on public property, including running, jogging, walking, bicycling, dancing, and skating.

Event, Entertainment - An organized activity or event occurring entirely or partially within a public right-of-way or on public property, having as its primary purpose the entertainment or amusement of a group of people, including a parade, carnival, fair, show, concert, pageant, exhibition, ceremony, reunion, block party, and neighborhood gathering.

Event, Filming - An organized activity or event occurring entirely or partially within a public right-of-way or on public property, having as its primary purpose filming activities, such as, the making of a movie.

Event, Political - An organized activity or event occurring entirely or partially within a public right-of-way or on public property, having as its primary purpose the exercise of expressive activities of a political nature, including speech-making, picketing, protesting, marching, demonstrating, debating, or addressing public or social issues.

Event, Special - Any athletic event, entertainment event, or political event, whether for profit, not for profit, charitable, or other purposes. Also event.

Neighborhood Gathering - See block party.

Occur Entirely Or Partially Within A Public Right-of-way - When any portion of a special event, including set up and take down, takes place on a public sidewalk, park strip, curb and gutter, or road. Does not include the mere driving on a public right-of-way to, from, or as part of a special event.

Permit - A special event permit.

Promoting Entity - That person or organization that is paying, in whole or in majority part, the costs associated with a special event.

Sponsoring Entity - That person or organization that is organizing, promoting, conducting, funding, or otherwise sponsoring a special event.

Spontaneous Assembly - A meeting, gathering, or assembly, occurring entirely or partially within a public right-of-way or on public property, that is neither planned, organized, nor coordinated in advance but that occurs as a spontaneous reaction to a special event or another spontaneous assembly, and where the requirement to obtain a special event permit would prohibit or substantially limit constitutionally protected speech or assembly.
(Ord. 2016-16, 09-21-2016)

8-16-3. Permit required - unlawful activity.

(1) Except as expressly exempted, all special events require a Tooele City special event permit.

(2) Except as expressly exempted, all special events are subject to the requirements of this Chapter.

(3) Except as expressly exempted, it shall be unlawful for any individual, corporation, partnership, association, or other person or entity to promote, sponsor, advertise, manage, or conduct a special event without first applying for and obtaining a Tooele City special event permit, and paying the associated permit fee.

(4) It shall be unlawful for any person involved in a spontaneous assembly:

(a) to disrupt vehicular, bicycle, or pedestrian traffic within a public right-of-way;

(b) to substantially disrupt the general public's lawful use of public property;

(c) to substantially disrupt a permitted special event;

(d) to create a nuisance, generate prohibited noise, or commit disorderly conduct, as defined by law; or,

(e) to create any imminent threat to the public health, safety, or general welfare.

(Ord. 2016-16, 09-21-2016)

8-16-4. Exemptions from Chapter requirements.

The following are exempt from the permit requirements of this Chapter:

(1) Spontaneous assemblies engaged in constitutionally protected speech or assembly.

(2) Events that occur entirely on private property and that do not occur entirely or partially within a public right-of-way or on public property.

(3) (a) Block parties or neighborhood gatherings that do not require a public right-of-way to be closed.

(b) Block parties or neighborhood gatherings that do not substantially interfere with vehicular, bicycle, or pedestrian traffic within a public right-of-way.

(4) The activities of Tooele City acting within the scope of its discretionary or governmental functions.

(5) Organized group picnics, dinners, and reunions at public parks that involve less than 500 people.

(6) Public, private, charter, or home school activities authorized and supervised by the respective school that do not occur entirely or partially within a public right-of-way.

(7) Religious or church activities authorized and supervised by the respective religious group or church that do not occur entirely or partially within a public right-of-way.

(8) Graveside funerals or ceremonies.

(9) Youth athletic leagues utilizing city facilities according to arrangements with the City and conforming to city rules and regulations.

(Ord. 2016-16, 09-21-2016)

8-16-5. Special event permit application - form.

All applications for a special event permit shall be made on a special event permit application form prescribed by the department, and shall include the following information:

(1) type of special event (e.g., athletic event);

(2) detailed description of the special event, including event purpose;

(3) name of each sponsoring entity and its principal place of business;

(4) name of the contact person for each sponsoring entity, together with the person's mailing address and 24-hour telephone number; the contact person must have sponsoring entity authority over the special event;

(5) name of each promoting entity and its principal place of business;

(6) name of the contact person for each promoting entity, together with the person's mailing address and 24-hour telephone number; the contact person must have promoting entity authority regarding the special event;

(7) proposed special event date(s), together with beginning and ending times;

(8) proposed special event location(s), together with site plan and route maps;

(9) estimated number of special event staff, participants, and spectators;

(10) estimated number of special event animals and vehicles, as applicable;

(11) number, nature, location, and specifications of any lighting and sound amplification devices or systems anticipated to be used in the special event;

(12) number and location of portable restroom facilities to be provided for the special event, and plan for waste disposal;

(13) special event staff, participant, and spectator parking and transportation plan, including barricade requirements;

(14) special event emergency medical services plan;

(15) special event crowd control and safety plan;

(16) number and type of special event concessions and vendors;

(17) special event set-up, take-down, and clean-up plan;

(18) signature of applicant;

(19) if the special event is a block party or a neighborhood gathering for which a public right-of-way will be entirely or partially closed, a list of signatures consenting to the closure from all residents whose vehicular access to their property will be affected by the closure;

(20) written property owner authorization for any use of private property;

(21) a Tooele City building permit application where required by adopted codes;

(22) a Tooele City sign permit application where required by Chapter 7-25;

(23) a Tooele City business license where required by Chapter 5-1;

(24) copies of required third-party agency permits (e.g., health department) regarding noise, sanitation, food handling, alcohol, mass gathering, and other matters; and,

(25) other information deemed reasonably necessary by Tooele City in order to protect the public health,

safety, and general welfare based on the specific circumstances of the proposed special event.
(Ord. 2016-16, 09-21-2016)

8-16-6. Special event permit application - procedure - fees.

(1) (a) A completed special event permit application for a special event that will not entirely or partially occur within a public right-of-way must be submitted to the department at least 10 calendar days before the special event.

(b) A completed special event permit application for a special event that will entirely or partially occur within a public right-of-way must be submitted to the department at least 30 calendar days before the special event.

(c) An untimely special event permit application shall be denied except with a written finding of extraordinary circumstances by the department and documenting that the special event:

(i) appears to be in the public interest; and,

(ii) is not anticipated to adversely affect the public health, safety, or general welfare.

(2) Based on a completed special event permit application and input from the various Tooele City departments, the department will evaluate the following:

(a) the basic city services and the additional city services anticipated to be required by the special event, as well as the estimated costs to provide the additional city services;

(b) the impact of the special event on vehicular, bicycle, and pedestrian traffic in the public rights-of-way;

(c) the impact of the special event on public property and on the use of public property by the general public;

(d) the impact of the special event on other permitted special events; and,

(e) the impact of the special event on the public health, safety, and general welfare.

(3) A special event permit application fee shall be established by resolution of the City Council. An application shall not be considered complete until after the payment of the application fee. The application fee is not refundable should an application be withdrawn, left incomplete, or denied.

(4) The use of certain public properties, such as, pavilions in public parks, shall require the payment of rental, reservation, or other user fees in addition to the special event permit application fee.

(5) A special event permit application may be submitted no earlier than 12 months in advance of the proposed special event.

(6) Approval of applications for conflicting or competing special events shall be determined based on which application was the first completed application to be submitted to the department, including the payment of the permit application fee. Tooele City, however, may invite applicants to consider alternate special event dates and locations in order to resolve conflicts.
(Ord. 2016-16, 09-21-2016)

8-16-7. Special event permit approval - conditions - security - display.

(1) The department shall approve all complete and timely special event permit applications, and shall issue special event permits pursuant to approved applications, when the department has determined that, based upon the representations contained in the application and made by the applicant, the special event permit application complies with the requirements of this Chapter and the special event can be carried out in such a manner that:

(a) is not likely to disrupt the safe and orderly movement of vehicular, bicycle, and pedestrian traffic within the public rights-of-way;

(b) is not likely to disrupt the movement of police, fire, or ambulance vehicles within, or the provision of police, fire, or ambulance services to, any area of the City;

(c) is not likely to substantially disrupt other permitted special events;

(d) is not likely to require the exclusive use of an entire public property, such as, a public park, or to substantially disrupt the general public's lawful use of public property;

(e) is not likely to create a nuisance, generate prohibited noise, or constitute disorderly conduct; and,

(f) is not likely to create any imminent threat to the public health, safety, or general welfare.

(2) Tooele City is hereby authorized to impose upon a special event permit all conditions deemed reasonably necessary to protect the public health, safety, and general welfare. Tooele City representatives may inspect the location of a special event at any time to verify compliance with the provisions of this Chapter and with the conditions of a special event permit.

(3) In order to protect the public health, safety, and general welfare, the City may require the use of certified Tooele City peace officers for special event traffic control and security. The number of peace officers required shall be determined by the police department upon consideration of factors such as the following: dates and times of the special event; estimated special event duration; special event route locations and length; public right-of-way closures required by the special event; anticipated traffic and weather conditions; estimated number of special event staff, participants, and spectators at the special event; nature, composition, format, and configuration of the special event; and, conflicting permitted special events. The cost for peace officer services shall be included in the definition of additional city services. No private, non-certified, or non-Tooele City peace officers may be utilized except with the written authorization of the police department. It shall be a violation of this Chapter to use traffic control or security

officers not authorized by the police department.

(4) A special event permit shall be maintained at all times in the possession of the sponsoring entity contact person or named designee at the site of the special event. A special event permit shall be displayed at the request of any Tooele City agent. It shall be a violation of this Chapter to fail to so maintain or display the permit.
(Ord. 2016-16, 09-21-2016)

8-16-8. Insurance - assumption of risk - indemnification - deposit.

(1) (a) Prior to the issuance of a special event permit, the sponsoring entity shall provide to the department proof of comprehensive general liability insurance coverage, including for both property damage and bodily injury/death coverage, naming Tooele City and its agents as additional insureds. Coverage shall be maintained for the duration of the special event. Minimum coverage shall be $1,000,000 per occurrence with a $2,000,000 general aggregate, for a total aggregate of $3,000,000.

(b) A special event at which an inflatable toy is utilized, such as, a bounce house, shall require a separate liability insurance policy provided by the inflatable toy vendor/provider, in the minimum per occurrence coverage amount of $3,000,000, naming Tooele City and its agents as additional insureds.

(c) A special event permit application shall not be considered complete without sufficient evidence of adequate liability insurance coverage, as required by this Section.

(2) By signing a special event permit application, the applicant and the sponsoring entity agree to assume the entire risk of all damage and injury that may occur in connection with or arising out of the permitted special event.

(3) Prior to a permitted special event, the sponsoring entity shall agree in writing, upon a form approved by the City Attorney, to indemnify, hold harmless, and defend Tooele City and its agents against any claim for loss, damage, or expense sustained by any person in connection with or arising out of a permitted special event.

(4) Prior to a special event, the City may require a sponsoring entity to pay to the City a reasonable refundable cash deposit to be used, in the City's discretion, to repair damage to the public rights-of-way or public property upon which the special event is to occur.
(Ord. 2016-16, 09-21-2016)

8-16-9. Special event permit denial.

(1) The director may deny a special event permit upon making a written finding of any of the following:

(a) the special event permit application was incomplete, untimely, or untruthful;

(b) the special event applied for substantially conflicts with a special event previously applied for;

(c) a reasonable belief that the special event applied for cannot be carried out in the manner specified in Section 8-16-7(1);

(d) a reasonable belief that no reasonable conditions can be imposed upon the special event permit under Section 8-16-7(2) that adequately will protect the public health, safety, and general welfare;

(e) the applicant or sponsoring entity failed to promptly reimburse Tooele City for invoiced additional city services following a previously permitted special event;

(f) the applicant or sponsoring entity conducted a previous special event in Tooele City without obtaining a special event permit;

(g) the applicant or sponsoring entity failed to promptly reimburse Tooele City for damage to a public right-of-way, public property, or other Tooele City property occurring in connection with a previously permitted special event;

(h) the applicant or sponsoring entity violated one or more terms or conditions of a previously issued special event permit;

(i) the applicant or sponsoring entity has failed to fully satisfy criminal penalties associated with a prosecution of a violation of any provision of this Chapter.

(2) The department shall send notice of permit denial to the applicant by certified U.S. mail to the sponsor contact mailing address provided on the permit application.
(Ord. 2016-16, 09-21-2016)

8-16-10. Appeals.

(1) An applicant may appeal in writing to the Mayor the department's denial of a special event permit and imposition of conditions upon the approval of a special event permit within 5 business days of the denial or imposition of conditions.

(2) An applicant may appeal to the Administrative Hearing Officer the Mayor's denial of a special event permit and imposition of conditions upon the approval of a special event permit.
(Ord. 2016-16, 09-21-2016)

8-16-11. Costs - repairs.

(1) Upon applying for, and as a condition of the issuance of, a special event permit, the applicant and the sponsoring entity shall pay in advance to the City all anticipated costs for additional city services deemed by Tooele City, in its sole discretion, to be necessary in order to protect the public health, safety, or general welfare. Costs for additional city services provided for the special event but not paid in advance shall be paid promptly upon invoice. Should the City determine, in its discretion, that paid anticipated costs for additional city services exceed actual costs, Tooele City will promptly refund the difference, without interest.

(2) Tooele City will not charge an additional fee for basic city services.

(3) The applicant shall leave the public rights-of-way and public property utilized for a permitted special event in as good a condition as when received. The applicant and the sponsoring entity, if different, shall be jointly and severally liable to reimburse Tooele City for any documented costs incurred by the City to clean up and make repairs that exceed the deposit and for payment of costs for additional city services.
(Ord. 2016-16, 09-21-2016)

8-16-12. Disclaimer.

By issuing a special event permit, Tooele City makes no guarantees and assumes no liabilities for the health, safety, or welfare of special event staff, participants, or spectators or the condition of their respective property.
(Ord. 2016-16, 09-21-2016)

8-16-13. Spontaneous assembly.

Tooele City may regulate the time, place, and manner of speech of any spontaneous assembly so as to:

(1) minimize disruption to vehicular, bicycle, and pedestrian traffic within a public right-of-way;

(2) minimize disruption to the general public's lawful use of public property;

(3) minimize disruption of a permitted special event;

(4) prevent or stop a nuisance, noise disturbance, disorderly conduct, or other violation of law; and,

(5) prevent an imminent threat to, and otherwise protect, the public health, safety, or general welfare.
(Ord. 2016-16, 09-21-2016)

8-16-14. Authority of Tooele City.

Tooele City is hereby authorized to do the following:

(1) to order that a permitted special event be stopped, and persons gathered for the special event be disbursed, if the special event is documented by Tooele City to be in violation of its special event permit, in violation of the law, or an imminent threat to the public health, safety, or welfare. It shall be a violation of this Chapter for persons attending a special event to fail to disburse when lawfully ordered to do so by a Tooele City peace officer;

(2) to use all legal means to cancel or stop a special event upon the occurrence of a natural disaster or other emergency that Tooele City finds, in its discretion, may adversely affect the health, safety, or welfare of special event attendees;

(3) to prohibit or restrict the parking of vehicles within public rights-of-way constituting part of the route of a special event. Prohibited or restricted parking areas shall be posted with signage. It shall be a violation of this Chapter to park a vehicle contrary to signed parking restrictions;

(4) to reserve space and to erect and reserve seating in a public right-of-way or on public property for observation of a special event. Reserved space or seating shall be signed, cordoned, or otherwise marked. It shall be a violation of this Chapter for unauthorized persons to utilize reserved space or seating; and,

(5) to take any other lawful act.
(Ord. 2016-16, 09-21-2016)

8-16-15. Penalty for violation - enforcement.

(1) A violation of any provision of this Chapter shall be a class C misdemeanor.

(2) Tooele City may use all legal means to prevent or to stop a special event conducted in violation of any provision of this Chapter.
(Ord. 2016-16, 09-21-2016)

CHAPTER 17. TREES

8-17-1. Purpose.
8-17-2. Definitions.
8-17-3. Authority and power.
8-17-4. Tree advisory board.
8-17-5. Tree planting and care standards.
8-17-6. Prohibition against harming public trees.
8-17-7. Adjacent owner responsibility.
8-17-8. Certain trees declared a nuisance.
8-17-9. Violations and penalty.
8-17-10. Appeals.
8-17-11. Funding Appropriations.
8-17-12. Savings and repeal.
8-17-13. Severability.

8-17-1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all Tooele City residents, businesses, and visitors, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.
(Ord. 2021-38, 11-17-2021)

8-17-2. Definitions.

As used in this Chapter, the following words and phrases shall have the meanings indicated:

Damage - any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or, any trauma caused by accident or collision.

Nuisance - any tree, or limb thereof, that: has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or, threatens the public health, safety, and welfare.

Park strip - the area along a public street between the curb and the sidewalk; or, if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property - all grounds and rights-of-way (ROWs) owned or maintained by the City.

Public tree - any tree or woody vegetation on city-owned or city-maintained property or rights-of-way, including the park strip.

Top or Topping - the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
(Ord. 2021-38, 11-17-2021)

8-17-3. Authority and power.

(1) Delegation of authority and responsibility. Under the supervision of the Mayor, the Director of the Department of Parks and Recreation, and/or their authorized designee, hereinafter referred to as the "Director", shall have full authority and responsibility to plant, prune, maintain, and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas utility facilities, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

(2) Coordination among city departments. All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Chapter as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.

(3) Interference. No person shall hinder, prevent, delay, or interfere with the Director or agents while engaged in carrying out the execution or enforcement of this Chapter.
(Ord. 2021-38, 11-17-2021)

8-17-4. Tree advisory board.

There is hereby created a Tree Advisory Board, hereinafter referred to as the "Board."

(1) Duties. The Board shall act in an advisory capacity to the Director and shall:

(a) Coordinate and promote Arbor Day activities;

(b) Review, update, and recommend a five-year plan to plant and maintain trees on city property;

(c) Support public awareness and education programs relating to trees;

(d) Review city department concerns relating to tree care;

(e) Submit an annual report of

its activities to the Director, who shall submit the report to the Mayor;

(f) Assist with the annual application to renew the Tree City USA designation;

(g) Recommend a list of tree species for planting on city property, with a particular list of tree species for planting in the park strips, and a list of prohibited species; and,

(h) Other duties that may be assigned by the Director.

(2) Membership. The Board shall consist of seven members approved by Mayor with the consent of the City Council. Members of the Board are volunteers and will serve without compensation.

(3) Term of office. Board members shall be appointed for three-year staggered terms. If a vacancy occurs during the term of any member, a successor shall be appointed.

(4) Officers. The Board shall annually select one of its members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

(5) Meetings. The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed. The Board is not a public body for purposes of the Utah Open Meetings Act.

(6) Council liaison. The City Council may select one of its own members to attend and participate in Board meetings as a Board liaison to the Council, but who is not a member of the Board.
(Ord. 2021-38, 11-17-2021)

8-17-5. Tree planting and care standards.

(1) Standards. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

(2) Requirements of franchise utility companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards and shall avoid tree damage and topping.

(3) Preferred species list. The Director shall maintain an official list of desirable tree species for planting on public property, including particularly park strips, in two size classes:

(a) Ornamental (20 feet or less in height at maturity); and,

(b) Shade (greater than 20 feet at maturity).

Trees from this approved list may be planted without special permission. Other species may be planted with written approval from the Director upon a written demonstration of species appropriateness given root depth and shape, canopy height and width, mature trunk dimeter, and other factors.

(4) Planting distances. The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.

(5) Planting trees under overhead electric and communication utility lines. Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.
(Ord. 2021-38, 11-17-2021)

8-17-6. Prohibition against harming public trees.

(1) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.

(2) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

(3) It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical, may be exempted from this provision at the determination of the Director.

(4) Any person, firm, corporation, or city department performing construction near any public tree shall consult with the Director and shall employ appropriate measures to protect the tree, according to procedures contained in the Best Management Practices (BMPs) for "Managing Trees During Construction" published by the International Society of Arboriculture.

(5) Each violation of this section as determined and notified by the Director shall constitute a separate civil violation, punishable by civil penalties under Section 10, in addition to mitigation values placed on the trees removed or damaged in violation of this Section.
(Ord. 2021-38, 11-17-2021)

8-17-7. Adjacent owner responsibility.

(1) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent park strip area, selected from the city's approved species list.

(2) No owner of land adjacent to any city street or highway shall allow a park strip tree, or other plant growing on his or her property, to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

(3) Trees located in the ROW park strips are owned by Tooele City. Property owners shall be responsible to maintain and prune all trees in the park strips adjacent to the property, and may not remove a park strip tree without the written permission of the Director.

(4) No owner of land shall allow a tree or planting on the owner's land to obstruct or interfere with pedestrians on the public sidewalk or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work to clear the obstruction and charge the cost to the property owner.
(Ord. 2021-38, 11-17-2021)

8-17-8. Certain trees declared a nuisance.

(1) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect, to be dead or dying, to obstruct the view of traffic signs or the free passage of pedestrians or vehicles, or that threatens public health, safety, and welfare, is declared a nuisance and the City may require its treatment or removal, including through the nuisance abatement process contained in Chapter 4 of this Title.

(2) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.
(Ord. 2021-38, 11-17-2021)

8-17-9. Violations and penalty.

Any person or business entity violating any provision of this Ordinance shall be deemed guilty of a civil offense and shall be subject to a civil penalty of $100 for a first offense and $250 for a second or subsequent offense.
(Ord. 2021-38, 11-17-2021)

8-17-10. Appeals.

(1) Appeals of decisions made by the Director pursuant to this Chapter, or of penalties imposed after violations of this Chapter, shall be heard by the Mayor.

(2) Appeals shall be submitted to the Mayor's office in writing, setting forth the basis of the appeal, and shall be submitted within 15 days of the date of notice of the Director's decision or of the violation.
(Ord. 2021-38, 11-17-2021)

8-17-11. Funding Appropriations.

The Mayor shall include in the annual fiscal year budget a line item sufficient for carrying out the purposes and program contained in this Chapter, and sufficient for satisfying the requirements of being a Tree City USA community. The budget shall be subject to City Council approval.
(Ord. 2021-38, 11-17-2021)

8-17-12. Savings and repeal.

All ordinances or parts of ordinances in conflict with this Chapter are hereby repealed to the extent of the conflict.
(Ord. 2021-38, 11-17-2021)

8-17-13. Severability.

Should any word, sentence, clause, paragraph, or provision of this Chapter be held to be invalid or unconstitutional, the remaining provisions of this Chapter shall remain in full force and effect.
(Ord. 2021-38, 11-17-2021)

TITLE 9. SERVICES

Chapter 1. City Cemetery.
Chapter 2. Utilities billings.
Chapter 3. Shade Treas. (Repealed)
Chapter 4. Water supply.
Chapter 5. Drinking Water Source Protection.
Chapter 6. Cross Connection Control-General Policy
Chapter 7. Reclaimed Water Supply.
Chapter 8. Residential and Business Alarms

CHAPTER 1. CITY CEMETERY

9-1-1. Name of cemetery.
9-1-2. Cemetery supervisor - Creation of office.
9-1-3. Cemetery supervisor - Registrar of burials - Disinterment.
9-1-4. Lots reserved for indigent persons.
9-1-5. Cemetery supervisor - Charge of cemeteries - Reports.
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9-1-9. Unused lots.
9-1-10. Opening graves - Superintending interments.
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9-1-12. Hedges, copings, monuments, etc. - Maintaining.
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9-1-20. Artificial flowers.
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9-1-22. Notice of burials and purchases required.
9-1-23. East-west burials only permitted.
9-1-24. Animals prohibited.

9-1-1. Name of cemetery.

The burial ground of Tooele City, Utah shall be known and designated by the name of "Tooele City Cemetery". (Ord. 1993-09, 05-13-1993)

9-1-2. Cemetery supervisor - Creation of office.

There is hereby created the office of City cemetery supervisor, which office shall be filled by the Mayor's appointment. The cemetery supervisor shall be the cemetery sexton.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 5-13-1993)

9-1-3. Cemetery supervisor - Registrar of burials - Disinterment.

(1) The cemetery supervisor shall be the registrar of burials for the City. Before burying any dead body in any cemetery within the corporate limits of Tooele City, or before disinterring for transportation beyond the corporate limits of the City the body of any person who has been buried therein, the relatives or other persons having charge of the body shall be required to furnish in writing to the cemetery supervisor a statement of the death, which shall be recorded in a record kept in the records of the cemetery . Such statement as well as the record shall include, if known, the name of the deceased person, when and where born, the date and place of death and the cause thereof, names of the deceased person's parents and spouse, and the name of the medical examiner, if any, also the date of burial, as well as the name of the cemetery, with the plat, lot, block, and grave number where said person is to be buried, and if disinterred and transferred beyond the corporate limits of Tooele City, the place of destination.

(2) It shall be unlawful for any person to disinter any body in the cemetery except under the direction of the cemetery supervisor. Before disinterment, a permit shall be required from the Tooele County Health Department, with the exception of cremated remains and stillborn babies. Before disinterment, the cemetery supervisor shall require a written order from the owner of the burial right authorizing such removal, which order shall be kept in the records of the cemetery. All such removals shall be recorded by the cemetery supervisor in a record kept for that purpose.

(3) The City is empowered to exercise its discretion with regards to approving or denying requests for disinterment in light of the public health, safety, and welfare. All disinterments shall comply with federal, state, and local laws and regulations.

(a) Permitted. The City will honor a request from the owner of the burial rights, subject to applicable federal, state, and local laws, upon receiving a written court order or a written request on a form provided by the City, and upon a finding of the City that the disinterment will not endanger the health, safety, or welfare of the City's employees or the public. The City may, on its own, disinter human remains in instances where a natural or human-caused disaster has exposed a grave and where disinterment is necessary to protect the public health, safety, or welfare.

(b) Prohibited. It shall be unlawful for any person to disinter the remains of a person who died from a contagious disease within 2 years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

(c) City's duties. The cemetery supervisor shall determine whether a disinterment poses a danger to the health, safety, or welfare of City employees or the public. The cemetery supervisor may refuse to authorize a disinterment if he determines that there is a danger to the health, safety, or welfare to City employees or the public. The cemetery supervisor may also refuse to authorize a

disinterment upon determining that the disinterment would disturb or damage an adjacent burial lot, casket, coffin, or vault. The cemetery supervisor may make this determination at any time during the disinterment process. Upon a determination by the cemetery supervisor that a disinterment poses no danger to the health, safety, or welfare of City employees or the public, and that the disinterment would not disturb or damage an adjacent burial lot, casket, coffin, or vault, the City will facilitate the disinterment by excavating and refilling the burial lot. The City, however, shall have no obligation to remove or return a vault or casket to or from a grave or lot. The City will comply with a court order.

(d) Requester's Duties. Absent a court order, and at least 7 business days prior to a disinterment, the requester shall submit a Tooele County Health Department disinterment permit the City request of disinterment form, and pay all applicable fees prior to the City commencing any disinterment. The requester shall arrange for and pay any associated costs for a funeral director to be present at the disinterment. The requester shall arrange for and pay any associated costs for a licensed vault company to remove the vault and its contents from the burial lot. If the burial lot does not contain a vault, or the cemetery supervisor determines that the existing vault has deteriorated to the point that it will not retain its structural integrity during the disinterment, the requester shall replace the deteriorated vault with a structurally sound vault at the requester's expense. The requester shall arrange to dispose of any deteriorated vault at the requester's cost and in a manner meeting federal, state, and local laws.

(e) Liability. The City assumes no liability for any property damage, including damage to a casket, vault, marker, monument, etc., or for bodily injury sustained during a disinterment, except those damages or injuries arising from the sole negligence of the City. The City is not liable for the acts or omissions of any third party for any reason. The City is not liable for damage to the contents of any caskets or vaults located in adjacent lots caused during a disinterment. The City is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising from a disinterment. The City request for disinterment form shall contain this liability provision, and the requester shall sign the form acknowledging the liability provision prior to any disinterment.

(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993

9-1-4. Lots reserved for indigent persons.

Such lots in the cemetery as the Mayor shall from time to time designate shall be reserved for and appropriated to the burial of indigent persons. All of the remaining lots or blocks in the cemetery shall be reserved for the use and possession of such families and other persons as have heretofore, or shall hereafter become the purchasers of a right to burial according to the provisions of this Chapter, to be used by them and their heirs or grantees forever as places for the burial of the dead.

(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-5. Cemetery supervisor - Charge of cemeteries - Reports.

(1) The cemetery supervisor, under the direction of the director of parks and recreation and the Mayor, shall have entire control and superintendence of all Tooele City cemeteries. The cemetery supervisor shall perform such duties in addition to those found in this Chapter in relation to the cemeteries as may be provided by law.

(2) The cemetery supervisor shall dig or cause to be dug all graves required for the burial of the dead.

(3) The cemetery supervisor shall make periodic reports of the work performed to the Mayor as the Mayor shall require.

(4) The cemetery supervisor shall keep in reasonable repair the enclosure around the cemetery, and so far as is reasonable prevent the destruction or defacing by the City of any marker or monument placed or erected therein.

(5) The cemetery supervisor shall have charge of a duplicate plat of the cemetery and shall, at the request of any person wishing to purchase a right to burial, point out any of the unoccupied lots or parts of lots in which rights for burial may be sold. Upon the purchaser's payment to the City of the price of the right to be buried, the cemetery supervisor shall make and execute a certificate of right to burial, signed by the Mayor and attested by the City Recorder, a copy of which certificate shall be delivered to the purchaser.

(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-6. Fees.

All fees shall be paid by the applicant for cemetery services prior to cemetery services being rendered.

(Ord. 2016-07, 03-16-2016) (Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-7. Records of conveyances.

(1) The cemetery supervisor shall keep a record all conveyances executed under the provisions of this Chapter, stating the number of the plat, lot, block, and grave to which the right to burial is conveyed, the date of such conveyance, the name of the person to whom conveyed, and the amount received for the same.

(2) By January 1 and July 1 of each year, the cemetery supervisor will cause to be filed with the office of the Tooele County Recorder a document evidencing the burial rights approved by the City for the City Cemetery during the preceding 6 months.

(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-8. Right to burial.

(1) Purchase of one or more rights to burial from the City shall be evidenced by a certificate showing a description thereof and stating the price paid therefor, prepared under the direction of the cemetery supervisor. The certificate shall be the sole evidence of such right recognized by the City. The cemetery records office shall keep an index book of all burial spaces to which certificates have been issued and shall show any transfer from the original purchaser to any subsequent owner, and

also shall index any probate or other judicial proceeding which affects the ownership of a burial rights.

(2) The certificate shall be signed by the Mayor and shall be attested by the City Recorder. The City Recorder shall keep a copy of each certificate issued as part of the records of the City Recorder's office.

(3) Transfer of a right to burial from the grantee on the certificate shall be recognized only upon recordation with the cemetery supervisor. When a right to burial is to be transferred or reverts to the City, the original certificates or deeds shall be filed with the cemetery supervisor, and before certificates of the right to burial are issued covering such graves, the original certificate or deed shall be canceled or quit claim deed given and the record so changed.

(4) All rights of burial are subject to the City's reservation of the right of access over and across any lot or burial space in the cemetery for repair of turf, installation or maintenance of water pipes or water lines for the improvement of the cemetery, for the opening and closing of adjacent graves, and for other cemetery-related purposes. The cemetery supervisor is responsible to see that all the work is completed and the surface returned to the original condition after such installation or maintenance work.

(5) Upon payment of the purchase price for any right to burial, the certificate issued by the cemetery supervisor in the name of the purchaser shall vest in the purchaser the right to use the burial space or lot for burial purposes only and subject to all rules, regulations, limitations, and conditions imposed by this Chapter and by the cemetery supervisor as are necessary for efficient care of the cemetery.

(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-9. Unused lots.

(1) If, for more than 60 years, a grantee or persons claiming through the grantee have not used portions of the lots or parcels for purposes of burial and have not provided for the care of the lots or parcels beyond that uniformly provided for all lots of the cemetery, and during the 60-year period have not given the City written notice of any claim or interest in the lots or parcels, then the City is empowered to demand of the grantee or persons claiming through the grantee that they file with the City a written notice of claim or interest in and to the lots or parcels recorded by evidence of their claim of ownership within 50 days after service of a copy of the notice of demand. If either the grantee, or person claiming through the grantee, fails to comply with the demand or notice, the City may bring an action in the district court of the county in which the cemetery is located against all parties who have not responded to the notice for the purpose of terminating the rights of the parties in the lots or parcels and restoring the lots or parcels to the City free of any right, title, or interest of the grantee, persons claiming through the grantee, their heirs, or assigns.

(2) As an alternative, the City Council may pass a resolution demanding that the owner of a lot, site, portion of the cemetery, or burial rights, which have been unused for burial purposes for more than 60 years, file with the City recorder notice of any claim to the lot, site, or parcel. The City Council shall then cause a copy of the resolution to be personally served on the owner in the same manner as personal service of process in a civil action. The resolution must notify the owner that the owner must, within 60 days after service of the resolution on the owner, express interest in maintaining the cemetery lot and submit satisfactory evidence of an intention to use the lot for burial. If the owner cannot be personally served with the resolution of the City Council, the City Council must publish its resolution for three successive weeks in a newspaper of general circulation within the county and mail a copy of the resolution within 14 days after the publication to the owner's last known address, if available. If, for 30 days after the last date of service or publication of the City Council's resolution, the owner or person with a legal interest in the cemetery lot fails to state a valid interest in the use of the cemetery lot for burial purposes, the owner's rights are terminated and that portion of the cemetery shall be vested in the City.

(3) The owner, grantee, or person claiming though the grantee shall have the right, on presentation of the certificate of title or right to burial to the City, for any lot or parcel which has been reverted to the City, at the option of the City, to:

(a) be compensated for the lot or parcel at the reasonable value of the lot or parcel as of the date the certificate is presented to the City, in which case the certificate or title shall be forfeited to the City and considered cancelled; or

(b) receive a right to burial to another lot or parcel if the right to burial or title to the lot or parcel has been sold by the City, in which case a new certificate shall be issued and the old certificate or title shall be forfeited to the City and be considered cancelled; or

(c) receive the right to burial to the lot or parcel if the City has not sold the right to burial to the lot or parcel, in which case a new certificate shall be issued and the old certificate or title shall be forfeited to the City and be considered cancelled.

(Ord. 2015-06, 12-16-2015) (Ord. 2002-11, 06-29-2002) (Ord. 1993-09, 05-13-1993)

9-1-10. Opening graves - Superintending interments.

(1) The cemetery supervisor shall open, upon payment of the appropriate fee, the subject graves in the cemetery upon application to the cemetery supervisor being made by the person having the right to burial therein. The cemetery supervisor shall superintend every interment and shall fill up and neatly trim the grave immediately after depositing the casket. The cemetery supervisor shall fill up and trim all graves that settle.

(2) Oversized burials may be accommodated provided they do not encroach on adjacent lots for which burial rights have been purchased, or on nearby vaults or caskets.

(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-11. Cemetery supervisor - Enforce regulations - Specifications listed.

The cemetery supervisor shall enforce all rules in regard to care of lots in the cemetery. The cemetery supervisor shall keep the streets and walks in the cemetery in reasonably good order and unobstructed so that free access can be had to any lot. The cemetery supervisor shall cause a suitable marker to be erected upon the corners of each lot with the number of the lot inscribed thereon.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-12. Hedges, copings, monuments, etc. - Maintaining.

It shall be unlawful for any person to erect or maintain any fence, corner post, coping, hedge, or boundary of any kind upon any grave, lot, street, or walk in the cemetery, or grade the ground or land thereof. The cemetery supervisor shall, whenever required, furnish the true lines of the lots according to official survey, and shall prevent and prohibit any markings of the same save and except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. It shall be unlawful for any person to plant any shrubs, trees, lawns, etc., or place any monuments or markers upon any lot or lots in the cemetery without a written permit first had and obtained from the cemetery supervisor, and unless the same is done under the direction and supervision of the cemetery supervisor.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-13. Monuments, markers - Specifications.

(1) Monuments and markers shall be allowed as established in an administrative policy approved by the Mayor. Only in established areas of the cemetery where there are already monuments and markers rising above the level of the grass are vertical monuments or markers permitted.

(2) It shall be unlawful for any person to erect or place any monument on any lot in the City cemetery, unless the same shall be placed in accordance with City specifications established in the administrative policy.

(3) It shall be unlawful for any person to place any monument on any lot in the cemetery made of any material other than granite, marble, or memorial bronze, or other material allowed by administrative policy approved by the Mayor.

(4) All markers placed in the cemetery shall be set in accordance with City specifications established in the administrative policy.

(5) Additional markers or monuments may be placed on a grave with the consent of the owner of the burial rights of the grave on which the marker or monument is placed, if that owner is living, or of the heirs of the deceased buried in the grave if that owner is not living.

(6) It shall be unlawful for any person to place more than one marker or monument at the head of any one grave.

(7) Vases and flowers shall be allowed as established in an administrative policy approved by the Mayor.

(8) It shall be unlawful to place any aboveground marker or monument in the cemetery without first paying a permit fee.

(9) It shall be unlawful for any person to violate any rule or regulation set forth in this Chapter or any published rules or regulations established respecting the City cemetery.

(10) Persons owning a certificate of right to burial, or relatives of deceased persons buried in said cemetery, shall erect and maintain in a manner satisfactory to the cemetery supervisor suitable monuments at the heads of graves, with the names of the deceased plainly inscribed thereon.

(a) Ownership and maintenance. All markers and monuments within the cemetery are the personal property of the owner of the burial rights of the grave on which the marker or monument is placed, if that owner is living, or of the heirs of the deceased buried in the grave if that owner is deceased.

(b) Disclaimer. The City shall not be responsible for scratches, chips, and other damage that may occur to markers or monuments from routine maintenance of the Tooele City Cemetery. All persons purchasing and placing markers and monuments in the cemetery are hereby on notice that such damages are a natural condition of the privilege of placing markers and monuments in the cemetery. The City shall not be responsible for any damages to markers or monuments caused by vandalism, weather, natural disasters, or the actions of persons or wildlife.

(c) Permit required. It shall be unlawful for any person to place or have placed any markers or monuments upon any lot in the cemetery except under the direction of the cemetery supervisor. All markers and monuments require a permit, issued by the cemetery supervisor, obtained by the monument company or other supplier. All markers and monuments require an inspection performed by the cemetery supervisor or designee for compliance with the administrative policy. The inspection shall occur at the cemetery prior to the marker or monument being removed from the supplier's delivery vehicle.

(d) Liability for damage. The City shall not be liable for damage to markers or monuments except where the City is solely negligent for that damage.

(e) Special service emblems. American Legion and Veterans of Foreign Wars medallions are encouraged for display and recognition. Such medallions must be permanently affixed to the marker or monument in a way that will not interfere with the mowing and maintenance of the cemetery.

(f) Benches. Benches may be placed within the cemetery in accordance with City specifications established in an administrative policy approved by the Mayor.

(11) The placing of all markers, monuments, improvements, and other works of any nature or description shall be done under the direction and control of the cemetery supervisor.

(12) The cemetery supervisor may arrange and maintain trees, shrubs, and other landscaping to enhance the beauty of the cemetery. No tree, shrub, or other plant may be planted in or removed from the cemetery without

the approval of the cemetery supervisor or Director of the department of parks and recreation.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-14. Driving vehicles, animals through - Speed limits - Defacing property.

(1) It shall be unlawful for any person to ride any animal within the limits of the City cemetery except when participating in a City-approved parade or as part of a funeral procession.

(2) It shall be unlawful for any person to drive any motor vehicle within the limits of the cemetery at a rate of speed greater than 15 miles per hour.

(3) It shall be unlawful for any person to injure or deface any monument, marker, tree, shrub, or any other property in the City cemetery.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-15. Purchase of rights to burial - Maintenance - Vaults.

(1) Rights to burial in the cemetery shall be sold for the prices and charges established by resolution of the City Council.

(2) In addition to the purchase price, perpetual care of cemetery lots shall be assumed by the City upon purchase of rights to burial. Thereafter the City shall, at its expense, care for and maintain lots and burial spaces.

(3) All lots and parts of lots in the cemetery shall be exempt from execution and from taxation.

(4) It shall be unlawful for any person to be buried in the cemetery without the casket being placed in a permanent-type vault, which vault type must be approved by the cemetery supervisor.

(5) Burial vaults must be made of concrete or similar structurally-sound material, and constructed in such a manner that the vault will not collapse or disintegrate at any point. Burial vaults constructed of plastic or fiberglass shall not be allowed. All vaults must have a properly fitting lid. Lids must be sealed with appropriate materials before a grave may be refilled. The cemetery supervisor is authorized to reject a vault that does meet these requirements or that places at risk the public health, safety, or welfare.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-16. Burials must be in cemeteries - Exception.

It shall be unlawful for any person to bury the body of a deceased person within the City limits, except in the Tooele City Cemetery or another cemetery established pursuant to law.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-17. Days when burials are prohibited.

No burials shall be allowed on the following days: New Years Day, Presidents Day, Memorial Day, 4th of July, Pioneer Day, Labor Day, Thanksgiving Day , Christmas Day, other federal and state holidays, and Sundays. However, a burial may be permitted on any of those days if the deceased died of a contagious disease or if required by law.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-18. Cemetery curfew and regulations - Penalty.

(1) It shall be unlawful for any unauthorized person to be in the cemetery after 10 p.m. of any day or before 6 a.m. of any day. A person will be considered to be in the cemetery if the person is within the perimeter of the cemetery as established by a fence, or is upon any portion of the property set aside as present or future cemetery property as designated in the appropriate records of the City and the county.

(2) Cemetery patrons only are allowed in the cemetery. It shall be unlawful for any person to climb over or crawl under the cemetery fence or to damage a cemetery fence.

(3) Children under 12 years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult 18 years of age or older.

(4) It shall be unlawful to engage in recreational activities, other than walking, on the cemetery property. Recreational walking shall be done only on the permanent roadways and walkways.

(5) The cemetery supervisor, any person working for the cemetery supervisor's office, or any peace officer is empowered to enforce the provisions of this chapter and to abate any vandalism or trespassing within the cemetery property.

(6) Any violation of this Chapter is a class C misdemeanor.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-19. Perpetual care.

(1) The City shall provide perpetual care for all lots in the cemetery.

(2) "Perpetual care" as used in this Section includes upkeep provided by the City, including mowing grass at reasonable intervals, sodding and reseeding, filling sunken graves, sprinkler irrigating, trimming trees and shrubs as reasonably necessary, removing decorations and wilted flowers, edging around markers and monuments, and other cleanup as directed by the cemetery supervisor. No other service is provided. Perpetual care does not include repairing or replacing markers, monuments, or other personal property.

(2) Charges shall be made for all other services performed and improvements made agreed to by the cemetery supervisor according to the fee schedules established by the City Council. If no fee has been established for specific special service as requested, and which the cemetery supervisor has agreed to provide, a reasonable sum based upon the cost to the City shall be assessed by the cemetery supervisor.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-20. Artificial flowers.

For the protection of the workers and the beauty of the cemetery grounds, artificial flowers will not be allowed unless they are placed in the permanent vases attached to the cement base during the mowing and maintenance season, April 1 to November 1, inclusive, except for

Memorial Day decorations which must be removed within 5 days after Memorial Day.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-21. Double depth burials.

(1) Double depth burials shall not be permitted. Notwithstanding, up to 4 stillborn babies and/or cremations may be buried above any regular burial space.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-22. Notice of burials and purchases required.

(1) All persons in charge of bodies to be buried in the City cemetery must make the necessary arrangements for digging of the grave, time of arrival at the cemetery, supplies for vaults, purchase of rights to burial, payment of fees, and other pertinent matters at least 8 working hours prior to such burial.

(2) The cemetery supervisor and the cemetery supervisor's employees and co-workers will not be responsible for any error or claimed error in opening graves when orders are given by telephone or other than in writing.
(Ord. 2015-06, 12-16-2015) (Ord. 1993-09, 05-13-1993)

9-1-23. East-west burials only permitted.

All burials shall be with the length of the casket and vault on an east-west alignment.
(Ord. 2015-06, 12-16-2015) (Ord 1993-09, 05-13-1993)

9-1-24. Animals prohibited.

No animals shall be allowed in the Tooele City Cemetery unless confined in a vehicle. It shall be unlawful for any person having the charge, care, custody or control of any animal to allow the animal to be within the cemetery, except in a motor vehicle.
(Ord. 1993-09, 05-13-1993)

CHAPTER 2. UTILITIES BILLINGS.

9-2-1. Billing.
9-2-1.1 Owner responsible - indemnity.
9-2-2. Nonresidential estimated billing.
9-2-3. Residential estimated billing.
9-2-4. Payment of bills.
9-2-5. Late payment charge.
9-2-6. Returned check charge.
9-2-7. Disputed bill.
9-2-8. Billing adjustments.
9-2-9. Overbilling.

9-2-1. Billing.

Tooele City utilities include water, sewer, and garbage service. Except where specifically stated, a resolution adopted by the city council establishing fees sets forth the rate for one billing month for City utilities. However, local conditions, initial billings, final billings, and seasonal readings may cause billings on irregular intervals, in which case the bill may be appropriately adjusted. Except as specifically provided otherwise, the City's rates are based on continuing service at each service location and the bill for utilities service shall be calculated separately for each meter.
(Ord. 1994-06, 3-16-1994)

9-2-1.1 Owner responsible - indemnity.

(1) No City utility services shall be furnished to any dwelling or other place or premises, regardless of whether the services are for the use of the property owner or of a tenant, unless the property owner signs a written application agreeing to be responsible for and pay for all utility service provided to the property. Tenants may not sign for or obtain utility accounts.

(2) The property owner shall provide proof of property ownership, in a form acceptable to the City, at the time of application.

(3) Monthly charges for all city-provided utility services shall be billed to the property owner of record whether the property is owner occupied or renter occupied.

(4) A person authorized by a property owner power of attorney, by probate, or by a court order may sign an application and shall thereafter be responsible for and pay for city utility services.

(5) As an express condition of receiving city utility services, the property owner agrees to, and shall, indemnify, defend, and hold the City harmless against any and all claims made against the City arising in any way out of the property owner's conduct or failure to act with respect to any tenants, including the termination of city utility services to leased premises at the request of the owner or because of the owner's failure to pay for such services. This indemnity shall include attorneys fees and costs.
(Ord. 2015-20, July 15, 2015)

9-2-2. Nonresidential estimated billing.

When any local condition makes it impractical to read meters at regular intervals, the City may, at its option, read such meters at irregular intervals but not less frequently than once every 12 months. Under such conditions, bills for water service will be rendered for either the minimum monthly charge set forth in the Tooele City Fee Schedule or for amounts based on the City's estimate of the customer's use during the month. When an actual meter reading is obtained, the City may adjust each estimated billing which has occurred since the last City meter reading was obtained.
(Ord. 2015-20, July 15, 2015) (Ord. 1994-06, 3-16-1994)

9-2-3. Residential estimated billing.

Bills will be rendered regularly at monthly intervals to permanent continuous nonseasonal customers. The City at its option may use an estimated billing procedure. If a meter reader is unable to gain access to a meter for the purpose of making an actual reading, the City shall take appropriate additional measures in an effort to obtain an actual meter reading. These measures shall include, but are not limited to, scheduling of a meter reading at other than normal business hours, making an appointment for meter reading or providing a prepaid postal card with a notice of instruction upon which an account holder may record a meter reading. In addition, when mutually agreed upon and at the customer's expense, a remote device may be installed. If after two regular route visits access has not been achieved, the City will notify the customer that the customer must make arrangements to have the meter read as a condition of continuing service. If, after complying with these provisions, the City is unable to make an actual meter reading within a two month period, it may again render an estimated bill for the current billing cycle.
(Ord. 1994-06, 03-16-1994)

9-2-4. Payment of bills.

All bills are payable by mail or in person at any office, pay station, or collection center authorized by the City, not later than the due date shown on the bill.
(Ord. 1994-06, 03-16-1994)

9-2-5. Late payment charge.

A late payment charge may be levied against any account that is not paid in full each month. This charge will be computed at a percentage specified in the Tooele City Fee Schedule applied to the unpaid delinquent balance brought forward on the subsequent month's bill. All payments received prior to the subsequent month's billing date will apply to the customer's account prior to calculating the late payment charge. Those payments applied shall satisfy the oldest portion of the billing first, any other billings second, and the current billing last.

(Ord. 2015-20, July 15, 2015) (Ord. 1994-06, 03-16-1994)

9-2-6. Returned check charge.

A charge, as set forth by resolution of the city council, may be assessed and collected by the City for each returned check.

(Ord. 1994-06, 03-16-1994)

9-2-7. Disputed bill.

The director of finance is authorized to settle any disputed charge contained on a utility bill. A final appeal may be taken to the mayor within five days of any written decision of the director of finance.

(Ord. 1994-06, 03-16-1994)

9-2-8. Billing adjustments.

(1) Definitions.

(a) A "backbill" is that portion of any bill, other than a levelized bill, which represents charges not previously billed for service that was actually delivered to the customer during a period before the current billing cycle.

(b) A "catch-up bill" is a bill based upon an actual reading rendered after one or more bills based on estimated or customer readings. A catch-up bill which exceeds by 50 percent or more the bill that would have been rendered under the City's standard estimation program is presumed to be a backbill.

(2) Every backbill shall contain a written explanation of the reason for the backbill that shall be sufficiently detailed to apprise the customer of the circumstances, error, or condition that caused the underbilling, and, if the backbill covers more than a 24-month period, a statement setting forth the reasons the City did not limit the backbill under Subsection (4).

(3) The City shall not render a backbill more than three months after the City actually became aware of the circumstance, error, or condition that caused the underbilling. This limitation does not apply to fraud or theft of service.

(4) The City shall not bill a customer for service rendered more than 24 months before the City actually became aware of the circumstance, error, or condition that caused the underbilling or that the original billing was incorrect.

(5) In case of customer fraud, the City shall estimate a bill for the period over which the fraud was perpetrated. The time limitation of Subsection (4) does not apply to customer fraud situations.

(6) The City shall permit the customer to make arrangements to pay a backbill without interest over a time period at least equal in length to the time period over which the backbill was assessed, unless the City has demonstrated that the customer knew or reasonably should have known that the original billing was incorrect or in the case of fraud or theft. Interest will be accessed at the rate applied to past due accounts on all amounts not timely paid in accordance with the established arrangements.

(Ord. 1994-06, 03-16-1994)

9-2-9. Overbilling.

(1) Billing under any of the following conditions constitutes overbilling:

(a) a meter registering more than two percent fast, or a defective meter;

(b) incorrect service classification, provided that the information supplied by the customer was not erroneous or deficient;

(c) billing based on a switched meter condition where the customer is billed on the incorrect meter;

(d) meter turnover or billing for a complete revolution of a meter which did not occur;

(e) incorrect meter reading or recording by the City; and,

(f) incorrectly estimated billings by the City.

(2) The City shall not provide interest on customer payments for overbilling.

(3) The City shall not refund or give a credit for overpayments which occurred more than 24 months before the customer submitted a complaint to the City, or the City actually became aware of an incorrect billing which resulted in an overpayment.

(4) The City shall not pay interest on overpayments.

(Ord. 1994-06, 03-16-1994)

CHAPTER 3. SHADE TREES

9-3-1 through 9-3-8. Repealed. (Ord. 1977-20, 10-6-1977)

CHAPTER 4. WATER SUPPLY

9-4-1. Waterworks.
9-4-2. Fees and regulations adopted by resolution.
9-4-3. Written application for water.
9-4-4. Users to pay expense of installation.
9-4-5. Quality of service pipe, permit and fee.
9-4-6. Service Pipes to be kept in good repair.
9-4-7. Separate connections.
9-4-8. Fire hydrants.
9-4-9. Fire hydrant wrenches.
9-4-10. Use without payment prohibited.
9-4-11. City may shut off water, when, no liability.
9-4-12. Notice to water users, delinquency.
9-4-13. Turning on after being turned off prohibited.
9-4-14. Waste prohibited.
9-4-15. Water not be supplied to motors, irrigation.
9-4-16. Restriction of water use.
9-4-17. City's jurisdiction over waterworks. Mayor to have free access.
9-4-18. Unlawful to interfere with city officers.
9-4-19. Nuisance on watershed.
9-4-20. Unlawful to interconnect irrigation lines to city culinary lines.
9-4-21. Irrigation outlets to be painted black.

9-4-1. Waterworks.

Tooele City shall have the power to construct, maintain and operate a waterworks system including storage reservoirs, streams, canals, ditches, water mains, pipes, drains, services and fire hydrants or to authorize the construction, maintenance and operation of the same by others, or purchase or lease such works or systems from any person or corporation, and they may sell and deliver the surplus product or service capacity of any such works, not required by the City or its inhabitants, to others beyond the City limits. The waterworks constructed by Tooele City Corporation or others upon authorization of the City shall be designated and known as the Tooele City Waterworks System and it shall be the property of Tooele City.
(Ord. 1980-45, 12-4-1980)

9-4-2. Fees and regulations adopted by resolution.

(1) The Tooele City Council shall enact fees and regulations by resolution regarding water connections, water consumption and the inspection of water line installations. Unless otherwise provided in the resolution, all said regulations and fees shall take effect immediately upon final adoption by the Council and approval by the Mayor.

(2) All water connection permits issued by Tooele City shall lapse two years from the date thereof unless prior thereto a meter deposit is paid to Tooele City and water is delivered by Tooele City through said connection.

(3) Water connection fees shall be payable with the application for a water connection which application shall be made where applicable with the building permit and no building permit shall issue where water connection is contemplated, prior to the payment of the water connection fee.
(Ord. 79-32, 12-14-79; 78-22, 8- -78)

9-4-3. Written application for water.

(1) Application for the use of water must be made on printed forms, furnished by the City and signed by the applicant. The applicant shall state fully and truly the purpose for which water is required, and shall agree to conform to, and be governed by such rules and regulations as may be prescribed by the Council for the control of the water supply. Said applicant shall, in his application, state the location and kind of building to be supplied.

(2) Any person desiring to discontinue the use of water supplied to any premises for a period of not less than one month shall give notice in writing to the Finance Department. No reduction or abatement of water rates shall be made unless such notice shall be given. No sprinkling will be allowed unless premises are supplied through a meter.
(Ord. 2025-21, 7-16-2025) (Ord. 1967-3, 08-14-1967)

9-4-4. Users to pay expense of installation.

All water meters shall be installed at the expense of the service owner or user, payable in advance. The Council shall by resolution fix the amount of each service installation charge and the terms and conditions thereof.
(Ord. 1967-3, 08-14-1967)

9-4-5. Quality of service pipe, permit and fee.

(1) All service and other pipes used underground shall be of such material as approved by the Tooele City Plumbing Code, and the Utah State Department of Health, laid so that the finished elevation shall provide not less than four feet of cover material above said pipe, with the bedding of said pipe to be approved by the Tooele City Building Official or the City Engineer prior to installation, with all pipe used to be approved by the National Sanitation Foundation and approved by the Tooele City Building Official or the City Engineer prior to installation as to class, type and size. All new construction or replacement of existing water lines shall meet the requirements of the Tooele City Building and Construction codes, and all backfill density shall meet or exceed 95% of maximum laboratory density as determined by AASHO Designation T-99, Method D. Building permits shall be acquired prior to any such construction or replacement. Each separate dwelling structure shall have a separate service lateral connected to the City water main.

(2) Each service lateral shall have a corporation stop at the junction of the main and service lines.

(3) No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, without permission from the Mayor, and a stop-cock and key-box shall be attached at the junction of such service pipe.
(Ord. 2025-21, 07-16-2025) (Ord. 1975-3, 4-28-1975)

9-4-6. Service pipes to be kept in good repair.

(1) All water users shall keep their sprinklers, hydrants, faucets, valves, hoses, connections, fixtures and other apparatus and service pipes, except service pipes

running from the main line to the meter, in good condition at their own expense. Tooele City shall maintain the service pipe from the main line to and including the water meter and other apparatus within the meter box. The water user shall maintain all other service pipes and other fixtures or apparatus, on the outlet side of the meter box to the service location. Whenever service pipes or fixtures or apparatus, other than the service line from the main line to and including the meter box, and the fixture therein, are broken or not in a serviceable condition, the consumer shall, upon written notice make the necessary repairs or replacements at his expense. Should he fail to do so water shall be turned off or service limited and not turned on again until said replacement or repairs are made.

(2) No person, except under the direction of the Public Works Director and in compliance with the provisions of Title 4, Chapter 9 of this Code, shall dig into the street, sidewalk, right of way or other public place within the limits of Tooele City, for the purpose of laying, removing or repairing any service pipe.

(3) A violation of this Section is an infraction.

(Ord. 2025-21, 07-16-2025) (Ord. 1983-02, 6-4-1983)

9-4-7. Separate connections.

(1) It shall be unlawful for two (2) or more separate water users to be connected onto one water meter or service line connection, unless the premises of all such water users are owned by the same owner. In all such cases where any one property owner has two (2) or more separate water users connected onto the City main by means of one water meter or service connection, the property owner shall in all cases be primarily liable to the City for all water used on all such premises.

(2) A violation of this Section is a class C misdemeanor.

(Ord. 2025-21, 07-16-2025) (Ord. 1967-3, 08-14-1967)

9-4-8. Fire hydrants.

(1) Fire hydrants shall be of the compression or gate type conforming to AWWAC 502 specifications, and shall be of a make that has been adopted by the City for standard use. Fire hydrants shall be placed on all water mains at least every four hundred feet (400') in single family detached developments, and every three hundred feet (300') in all other developments or areas, including multi-family and non-residential. The Fire Marshall may require additional fire hydrants or fire protections consistent with the International Fire Code.

(2) It shall be unlawful for any person not duly authorized by the mayor or his designated representative to open or operate any fire hydrant or to tamper or interfere with or attempt to draw water therefrom or in any way to obstruct the approach thereto.

(3) It shall be unlawful for any person to interfere with, tamper with, or injure, break, damage or destroy any water meter, fire hydrant, or any other attachment pertaining to the water works system of Tooele City.

(4) A violation of this Section is a class B misdemeanor.

(Ord. 2025-21, 07-16-2025) (Ord. 2016-13, 07-06-2016) (Ord. 1977-22, 11-19-1977)

9-4-9. Fire hydrant wrenches.

It shall be unlawful to have a fire hydrant wrench. The Mayor upon application shall furnish wrenches for fire hydrants to the Chief of the Fire Department for the use of the Department, and to such other persons as may be duly authorized.

(1) It shall be unlawful for any person without due authority to have in his possession, any wrench for a fire hydrant.

(2) It shall be unlawful for any person having lawful charge of any hydrant wrench to permit the same to be taken from him, or from place of deposit, or to permit such wrench to be used for any purpose other than that authorized by the Mayor.

(3) A violation of this Section is a class B misdemeanor.

(Ord. 2025-21, 07-16-2025) (Ord. 1967-3, 08-14-1967)

9-4-10. Use without payment prohibited.

(1) It shall be unlawful for any person by himself, family, servants, or agents to use the water coming through the water mains without first paying therefor as hereinafter provided, or without authority to open any stop-cock or other fixture attached by the system of water supply, or to in any way injure, deface or to cast anything into any reservoir or tank belonging to said waterworks.

(2) A violation of this Section is a class B misdemeanor.

(Ord. 2025-21, 07-16-2025) (Ord. 1967-3, 08-14-1967)

9-4-11. City may shut off water, when, no liability.

The City reserves the right at any time without notice, to shut off the water from its mains for the purpose of making repairs or extension or for other purposes, and no claims shall be made against the City, by reason of the breakage, stoppage, or interruption of any service pipe or service cock, or for any other damage that may result from the shutting off of water for repairing, laying or relaying mains, hydrants or other connections.

(Ord. 1967-3, 08-14-1967)

9-4-12. Notice to water users, delinquency.

The Mayor shall cause to be mailed or delivered to each water user, a notice stating the amount of water rates assessed against him and date when payment is due. If payment is not received within thirty (30) days from the date due, the Mayor may mail or deliver to the water user, a notice stating that if the payment is not received within 15 days the water will be turned off. This notice must explain that any disputes may be taken to the City Department of Finance, who has the authority to settle such disputes. The notice shall also state that if the water is turned off, a fee in addition to the delinquent payment must be paid before the water will be turned on, such fee being adopted by Resolution as part of the Tooele City Fee Schedule.

(Ord. 1997-44, 06-04-1997); (Ord. 1980-42, 10-2-1980)

9-4-13. Turning on after being turned off prohibited.

(1) It shall be unlawful for any person, after the water has been turned off from his premises on account of nonpayment of rates or other violation of the rules and regulations pertaining to the water supply, to turn on or allow the water to be turned on, or use, or allow the water to be used without authority from the Mayor.

(2) A violation of this Section is a class B misdemeanor.

(Ord. 2025-21, 07-16-2025) (Ord. 1967-3, 08-14-1967)

9-4-14. Waste prohibited.

(1) It shall be unlawful for any water taker to waste water, or to allow it to be wasted by imperfect stops, valves, leaky joints, faucets, or stops, or through basins, water closets, urinals, sinks or other apparatus or to use the water for purposes other than those for which he has paid, or to use water in violation of the rules and regulations for controlling the water supply, or other provisions of this Chapter.

(2) A violation of this Section is a class C misdemeanor.

(Ord. 2025-21, 07-16-2025) (Ord. 1967-3, 08-14-1967)

9-4-15. Water not to be supplied to motors, irrigation.

No water shall be supplied from the pipes of the City waterworks for the purpose of driving any motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the Mayor.

(2) A violation of this Section is a class C misdemeanor.

(Ord. 2025-21, 07-16-2025) (Ord. 2002-08, 04-17-2002) (Ord. 1967-3, 08-14-1967)

9-4-16. Restriction of water use.

(1) In time of water shortage, whenever it shall in the judgment of the mayor be necessary, the mayor shall, by proclamation and without prior approval of the City Council, limit the use of water within the limits of Tooele City or as supplied by the Tooele City culinary distribution system to such an extent as may be necessary for the public good. Those nonessential purposes which may be restricted or curtailed absolutely shall include, but shall not be limited to the following:

(a) Using hoses, sprinklers, or other means of sprinkling or irrigation for watering shrubbery, trees, lawns, grass, plants, vines, gardens, vegetables, flowers, or other vegetation.

(b) Washing automobiles, trucks, trailers, trailer houses, or other types of mobile equipment.

(c) Washing streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes, sidewalks, apartments, or other exterior surfaces of buildings or structures.

(d) Operating ornamental fountains or other structures making a similar use of water and not employing water conservation equipment or subject to excess evaporation as determined by the city engineer.

(e) Filling swimming and wading pools.

(f) Operating any water-cooled comfort air conditioning equipment which does not have water conserving features satisfactory to the city engineer.

(2) Whenever the mayor shall determine that an emergency exists requiring the implementation of the provisions of this section, he shall give public notice thereof by proclamation either printed in a newspaper of general circulation within Tooele City or published by other means reasonably calculated to notify the public of restricted watering schedules. The proclamation shall become effective immediately upon such publication or notification.

(3) Whenever more serious water restrictions than those initially instituted by the proclamation are deemed by the mayor necessary to be imposed, the mayor shall meet with the City Council to formulate a plan for instituting appropriate restricted watering schedules, conservation measures, rationing or other measures.

(4) The mayor may, upon recommendation of county health officers, permit reasonable use of water in any case necessary to maintain adequate health sanitation standards.

(5) Violations. A violation of the proclamation of the mayor or other restrictions, conservation measures, rationing, or other measures established by the mayor and City Council shall be a civil infraction, punishable as follows:

(a) a first violation during the calendar year: written warning;

(b) a second violation during the calendar year: $25 fine;

(c) a third violation during the calendar year: $100 fine;

(d) a fourth or subsequent violation during the calendar year: $250 fine.

In addition to these civil penalties, the City may cause a violator's water to be shut off or disconnected. In the event a violator’s water is shut off or disconnected, the violator shall pay a reconnect fee of $50 before service is reestablished.

(6) Notice of Violation; service. City Finance Department and Police Department employees are hereby authorized to issue a Notice of Violation for violations of this Section or for violations of the restricted watering schedules established under authority of this Section. A Notice of Violation shall be served upon the violator, if possible, but if the violator is unavailable or unknown, the citation shall be posted at the violating premises. This Section presumes that the water account owner at the location of the violation is the violator. Fine amounts unpaid prior to the next water billing cycle shall be included in the account owner’s water bill. Delinquent fine payments shall be invoiced in the same manner, and pursuant to the same procedures, as delinquent water bill payments, and may include water shutoff, reconnection fees, and referral to collections.

(7) Appeals. Appeal of a Notice of Violation shall be to the Administrative Hearing Officer.

(Ord. 2013-07, 04-17-2013) (Ord. 2006-02, 01-04-2006); (Ord. 2002-08, 04-17-2002) (Ord. 1989-15, 09-06-1989)

9-4-17. City's jurisdiction over waterworks, Mayor to have free access.

Tooele City shall have the power to construct or authorize the construction of waterworks within or without the Tooele City limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution, Tooele City's jurisdiction shall extend over and the City shall have free access to all territory occupied by such works, and over and to all reservoirs, streams, canals, ditches, water mains, pipes, drains, services, and fire hydrants used in and necessary for the construction, maintenance and operation of the Tooele City Waterworks System. The City shall also have free access at all reasonable hours, to all places supplied with water from the Waterworks System, to examine the apparatus, the amount of water used, the manner of its use and to make all necessary "shut-offs" for vacancy, delinquency and violations of this Chapter. Any water taker violating any of the rules and regulations controlling the water supply shall forfeit the right to the use of the water.
(Ord. 1980-45, 12-4-1980)

9-4-18. Unlawful to interfere with city officers.

It shall be unlawful for any person to interfere with, molest, hinder, or obstruct the Mayor, or any of his agents, servants, or employees while in the performance of the duties imposed by the foregoing Sections.

(2) A violation of this Section is a class B misdemeanor.
(Ord. 2025-21, 07-16-2025) (Ord. 1967-3, 08-14-1967)

9-4-19. Nuisance on watershed.

(1) It shall be unlawful for any person to construct, use or maintain any closet, privy, outhouse, cesspool, urinal or sewage disposal system or any public bathhouse, swimming tank or swimming pool at any place within the watershed area of said City unless such closet, privy, outhouse, cesspool, urinal or sewage disposal system, public bathhouse, or swimming tank is provided with effective germ destroying appliances and without first having obtained from the Mayor and Health Commissioner a permit for the construction, use and maintenance of same.

(2) It shall be unlawful for any person to do or permit to be done any of the things hereinafter described in any canyon or along any stream of water used by the inhabitants of the City for their supply anywhere within the watershed area of said City.

(a) To construct or maintain any corral, sheep pen, pig pen, chicken coop, stable, or any offensive or contaminating yard or outhouse.

(b) To deposit, pile, unload or leave any manure or offensive rubbish or carcass of any dead animals at any place within said watershed area, except at a garbage disposal plant designed by the Health Commission and Superintendent of Waterworks.

(c) To permit any loose cattle, horses, sheep, hogs or any other animals to run at large except where such livestock are more than three hundred feet (300') from any stream or source of water supply within said watershed area.

(d) To stake or graze horses, cattle, sheep, hogs or other animals within three hundred feet (300') of the bank of such stream, except that such horses or cattle may be staked or corralled within such three hundred feet (300') at such place and under such conditions as may be designated by the Health Commissioner and Mayor of the City. The person obtaining such permit must keep the premises whereon said animals are kept in good condition as may be required by the Health Commission and the Mayor and said permit may be revoked at any time by said officer upon failure of the permittee to comply with such reasonable sanitary regulations as are prescribed by said officer.

(e) To permit any horses, cattle, sheep, hogs, or other animals to water directly from the stream.

(f) To permit any horses, cattle, sheep, hogs or other animals to remain in or near or to pollute any such stream of water.

(g) To throw or deposit any garbage or other deleterious matter of any kind anywhere within said limits, except at a garbage disposal plant designated by the Health Commission and Superintendent of Waterworks.

(h) To permit any dog to run at large.

(i) To throw or break bottles or glass.

(j) To spread or eat lunch or picnic within one rod of the bank of such stream.

(k) To wade or bathe in the stream.

(l) To wash dishes or other articles in the stream.

(m) To commit any nuisance whatsoever.

(3) A violation of this Section is a class C misdemeanor.
(Ord. 2025-21, 07-16) (Ord. 1967-03, 08-14-1967)

9-4-20. Unlawful to interconnect irrigation lines to city culinary lines.

(1) It shall be unlawful for any person in interconnect irrigation water lines of whatever source to Tooele City culinary water lines without the express written permission of the Mayor of Tooele City or any agent designated by the Mayor, all pursuant to the laws of the State of Utah regarding culinary water quality.

(2) A violation of this Section is a class B misdemeanor.
(Ord. 2025-21, 07-16-2025) (Ord. 1980-16, 4-10-1980)

9-4-21. Irrigation outlets to be painted black.

All irrigation water fire hydrants, risers, or other discharge outlets shall be painted black so as to identify said hydrants and risers as being for the discharge of non-potable irrigation water.
(Ord. 2009-06, 05-06-09) (Ord. 1980-16, 4-10-1980)

CHAPTER 5. DRINKING WATER SOURCE PROTECTION.

9-5-1. Short Title and Purpose.
9-5-2. Definitions.
9-5-3. Establishment of Drinking Water Source Protection Zones.
9-5-4. Permitted Uses.
9-5-5. Prohibited Uses.
9-5-6. Drinking Water Source Protection Requirements.
9-5-7. Administration.

9-5-1. Short Title and Purpose.

(1) This ordinance shall be known as the "Drinking Water Source Protection Ordinance."

(2) The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply to the residents of Tooele City who receive water for culinary and domestic use from the City by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs used by the City and by the designation and regulation of property uses and conditions that may be maintained within such zones.
(Ord. 2000-12, 08-02-2000)

9-5-2. Definitions

(1) When used in this ordinance the following words and phrases shall have the meanings given in this Section:

(a) "Design Standard" means a control that is implemented by a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

(b) "Drinking Water Source Protection (DWSP) Zone" means the surface and subsurface area surrounding a groundwater source of drinking water supplying a public water system through which contaminants are reasonably likely to move toward and reach such groundwater source.

(c) "Groundwater Source" means any well, spring, tunnel, adit, or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.

(d) "Pollution source" means point source discharges of contaminants to groundwater or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

(i) The following definitions clarify the meaning of "pollution source:"

(A) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(B) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(C) "Extremely hazardous substances" means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011). A copy of this document may be obtained from: Section 313 Document Distribution Center, P.O. Box 12505. Cincinnati, OH 45212.

(e) "Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate groundwater. A pollution source is also a potential contamination source.

(f) "Public water system" means a system, either publicly or privately owned, providing water for human consumption and other domestic uses, which:

(i) Has at least 15 service connections, or

(ii) Serves an average of at least 25 individuals daily at least 60 days out of the year.

Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.

(g) "Sanitary Landfill" means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(h) "Sanitary sewer line" means a pipeline

that connects a residence or other building with a sanitary sewer.

(i) "Septic tank/drain-field system" means a system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

(j) "Spring" means the ground surface outlet of a natural underground spring including Spring collection and control boxes, valves, piping and other attachments.

(k) "Storm water infiltration structure" means a structure that is intended to discharge storm water so that it infiltrates groundwater.

(l) "Underground storage tanks" means underground tanks used for the storage of gas, oil, or other hazardous substances.

(m) "Wellhead" means the physical structure, facility, or device at the land surface from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

(Ord. 2000-12, 08-02-2000)

9-5-3. Establishment of Drinking Water Source Protection Zones.

(1) There is hereby established the following four use districts to be known as drinking water source protection zones one, two, three, and four:

(a) "Zone one" is the area within a 100-foot radius from the wellhead or margin of the collection area.

(b) "Zone two" is the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(c) "Zone three" is the area within a 3-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(d) "Zone four" is the area within a 15-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(Ord. 2000-12, 08-02-2000)

9-5-4. Permitted Uses.

(1) In Zones One, Two, Three, and Four, each use established before the effective date of this Ordinance, and uses incidental and accessory to such use, may be continued in the same manner thereafter, provided that such use is not determined by any court of competent jurisdiction to be a nuisance under the provisions of federal, state, and/or local laws or regulations.

(2) In addition to the uses permitted under 9-5-4(1) herein, the following uses, including uses incidental and accessory to that use, shall be allowed within the respective drinking water source protection zones:

(1) Zone One.

(a) No uses in addition to that allowed under 9-5-4(1) herein are allowed in Zone One.

(2) Zone Two.

(a) Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance, provided that such uses are connected to a sanitary sewer system.

(3) Zone Three.

(a)Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance.

(4) Zone Four.

(a) Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance.

(b) The tilling of the soil and the raising of crops, provided that the use of fertilizers and pesticides is accomplished within applicable federal, state, and/or local requirements.

(c) The pasturing of livestock, provided all forage is raised on the pastured area.

(d) In addition to the permitted uses specified in 9-5-4(1) and (2) herein, certain of the uses prohibited in Zones Two, Three, and Four pursuant to 9-5-5 herein may be allowed in Zones Two, Three, and Four, respectively, if design standards are implemented for the specific use that will prevent contaminated discharges to groundwater.

(Ord. 2000-12, 08-02-2000)

9-5-5. Prohibited Uses.

(1) Subject to 9-5-4(d) herein, the following uses are prohibited within the following drinking water source protection zones:

(a) Zone One. All uses that fall within the definition in this Ordinance of "pollution source" or "potential contamination source," including the following, are prohibited in Zone One:

(i) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

(ii) Sanitary landfills.

(iii) Hazardous waste or material disposal

sites.

(iv) Septic tanks/drain field systems

(v) Sanitary sewer lines within 150 feet of a wellhead or spring collection area.

(vi) Underground storage tanks.

(vii) Storm water infiltration structures.

(viii) Any pollution source as defined herein or in Rule 309-113-101, as amended, of the Division of Drinking Water's drinking water source protection regulations.

(ix) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(b) Zone Two.

(i) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

(ii) Sanitary landfills.

(iii) Hazardous waste or material disposal sites.

(iv) Septic tanks/drain field systems

(v) Sanitary sewer lines within 150 feet of a wellhead or spring collection area.

(vi) Underground storage tanks.

(vii) Storm water infiltration structures.

(viii) Any pollution source as defined herein or in Rule 309-113-101, as amended, of the Division of Drinking Water's drinking water source protection regulations.

(ix) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(c) Zone Three.

(i) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

(ii) Sanitary landfills.

(iii) Hazardous waste or material disposal sites.

(iv) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(d) Zone Four.

(i) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

(ii) Sanitary landfills.

(iii) Hazardous waste or material disposal sites.

(Ord. 2000-12, 08-02-2000)

9-5-6. Drinking Water Source Protection Requirements

Following the effective date of this Ordinance, no building permit or other form of approval from the City to develop or use real property within the City shall be issued until the applicant establishes that its proposed development or use of real property complies with the requirements of this Ordinance.

(Ord. 2000-12, 08-02-2000)

9-5-7. Administration

The policies and procedures or administration of any drinking water source protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, variances and exceptions, and enforcement and penalties, shall be the same as provided in the existing zoning ordinance for Tooele City, Utah, as the same is presently enacted or may from time to time be amended.

(Ord. 2000-12, 08-02-2000)

CHAPTER 6. CROSS CONNECTION CONTROL -GENERAL POLICY

9-6-1. Purpose of Ordinance.
9-6-2. Responsibility: Drinking Water Purveyor.
9-6-3. Responsibility: Consumer.
9-6-4. Requirements. Policy.
9-6-5. Violations of this Policy.

9-6-1. Purpose of Ordinance:

(1) The purpose of this ordinance is:

(a) to protect the quality of water within the public drinking water supply of Tooele City from the possibility of contamination or pollution, and

(b) to comply with the State of Utah Public Drinking Rules, Section R309-102-5; and,

(c) to promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the plumbing regulations to assure water system safety; and,

(d) to provide for the administration of a continuing program of backflow prevention which will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.
(Ord. 2000-11, 06-21-2000)

9-6-2. Responsibility: Drinking Water Purveyor

(1) Tooele City shall be responsible for the protection of the drinking water system from the 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.

(2) Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing Tooele City. Survey records shall indicate compliance with the State of Utah administrative rules. All such records will be maintained by Tooele City.

(3) Tooele City shall schedule and notify in writing, all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.

(4) The appropriate backflow will not be restored until such conditions or defects are corrected. Low prevention devices shall be identified as a result of the system survey.
(Ord. 2000-11, 06-21-2000)

9-6-3. Responsibility: Consumer

(1) To comply with this ordinance as a term and condition of water supply and consumer's acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.

(2) It shall be the responsibility of the consumer to purchase, install, and arrange and pay for testing and maintenance of any backflow prevention device/assembly required to comply with this ordinance. Failure to comply with this ordinance shall constitute grounds for disconnection of service.

(3) If Tooele City deems it necessary to protect distribution system against possible backflow or cross connection with dual check valve device at meter set it will be consumers responsibility to protect themselves against possible thermal expansion.
(Ord. 2000-11, 06-21-2000)

9-6-4. Requirements. Policy.

(1) No water service connection to any premises shall be installed or maintained by the 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 written notification of violation and an appropriate time interval of days for voluntary compliance, if:

(a) A backflow prevention assembly required by this ordinance for the 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 bypassed, or

(c) If an unprotected cross connection exists on the premises, or

(d) If the periodic system survey has not been conducted.

(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 exist (including violation of this ordinance), and to audit the results of the required survey (Utah Administrative Code R309-102-5).

(3) Whenever the public water purveyor deems that 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) 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 (2), 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 unit is moved from the present location, or requires more than minimum maintenance, or when the water purveyor finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly that meets all local and state requirements.

(6) It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the surveyor to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.

(7) All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.

(8) No backflow prevention assemblies shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

(Ord. 2000-11, 06-21-2000)

9-6-5. Violations of this Policy:

If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the 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 all state and local regulations and statues relating to plumbing, safe drinking water suppliers, and this ordinance.

(Ord. 2000-11, 06-21-2000)

CHAPTER 7. RECLAIMED WATER SUPPLY

9-7-1. Authority and intent.
9-7-2. Definitions.
9-7-3. Connection to reclaimed water system.
9-7-4. Authority to adopt rates, fees, and charges.
9-7-5. Discontinuing service by the District.
9-7-6. Interruption of service by the District.
9-7-7. Prohibition of water wastage.
9-7-8. Permits.
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9-7-1. Authority and intent.

(1) Pursuant to the authority granted to the Tooele City Water Special Service District (hereafter referred to as "the District"), by the City of Tooele and the laws of the State of Utah, as amended , it is the intent of the District to make reclaimed water available for irrigation purposes, and other authorized uses, within the service area of the District, where the District determines that the construction, operation and maintenance of a reclaimed water distribution system is practical and economical.

(2) The reclaimed water distribution system shall be constructed in a manner deemed appropriate by the District to provide reclaimed water service pursuant to the terms and conditions set forth herein.

(3) It is further the intent of the District to establish a reclaimed water system which complies with the rules and regulations set forth by Utah Division of Water Quality, which rules appear in Chapter R317-1-4, Utah Administrative Code.

(4) Compliance of the District with the requirements of the Utah Division of Water Quality shall be demonstrated by adherence to these regulations and to the District's Policies, and the District's Construction Manual, as promulgated by the District and approved by the Utah Division of Water Quality.
(Ord. 2002-18, 08-07-2002)

9-7-2. Definitions.

For the purpose of these regulations, certain terms, phrases, words and their derivations shall have the meanings as given below. Words stated in the present tense include the future; words stated in the masculine include the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined through the methods of this section, such terms shall have ordinarily accepted meanings such as the context implies. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated:

(1) Administrator. See "Reclaimed water service administrator."

(2) As-built drawings. See "Record drawings."

(3) Available reclaimed water. A functioning reclaimed water distribution line located within 100 feet of the property applying for reclaimed water service, with sufficient capacity to meet the expected demands from the applicant's property.

(4) Backflow prevention device shall mean an approved device installed on the customer's potable water service, to prevent the flow of any actual or potential pollution or contamination into the public potable water system. "Backflow prevention device" shall also mean any approved device installed on the reclaimed water service to prevent the backflow of any actual or potential pollution or contamination into the reclaimed water system.

(5) Board. The Board of Commissioners of the Tooele Water Special Service District.

(6) Buffer Zone. A setback distance of at least 50 feet as more specifically set forth in R317-1-4.3.

(7) Construction Manual. The District's "Construction Manual for the Construction of Reclaimed Water Facilities," as amended from time to time, which contains the District's construction standards.

(8) Construction standards. The general construction requirements and specifications adopted by the District for installation of reclaimed water facilities.

(9) Cross connection. Any physical connection or arrangement whereby any part of a potable water system or reclaimed water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain contaminated water, sewage or other waste, or substance of unknown or unsafe quality which may be capable of imparting contamination to the public potable water supply or the reclaimed water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

(10) Customer. The applicant, actual user, water account owner or the owner(s) of the property being served by the reclaimed water.

(11) Delivery point. The point of connection of the District's Reclaimed Water System to the Customer's private system. This is the point of acceptance of the reclaimed water by the Customer for the intended reuse.

(12) Director. The Public Works Director of the Tooele City Water Special Service District or, if none, Tooele City Corporation.

(13) District. The Tooele City Water Special Service District.

(14) Distribution mains. Those conduits used to supply reclaimed water service lines.

(15) Hose bibb. A water spigot, faucet or similar device to which a common garden hose can readily be attached. Hose bibbs are prohibited on reclaimed water systems, unless of a type that can be secured to prevent access by unqualified persons.

(16) Offsite facilities. Facilities under the control of the District including but not limited to reclaimed water pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, treatment facilities, and other appurtenances and property up to the point of connection with the customer's facilities.

(17) Onsite Facilities. Facilities under the control of the applicant, owner, or customer including but not limited to residential, commercial, and industrial building reclaimed water systems, landscape irrigation systems, and agricultural irrigation systems. For water and reclaimed water service. Onsite facilities shall be those downstream of the water service connection, which shall normally be the downstream end of the meter tailpiece.

(r) Onsite system. See "Onsite facilities."

(19) Qualified person. A person familiar, and trained, in the operating practices, nature and non-potability of the reclaimed water.

(20) Reclaimed water. The treated effluent, filtered and disinfected to Type I reuse water standards as defined by The State of Utah Department of Environmental Quality, Division of Water Quality's *"Wastewater Reuse Rules"*.

(21) Reclaimed water service administrator. The individual responsible for the technical and operational activities of the reclaimed water system, or his designee. See also "Administrator."

(22) Reclaimed water system. Those conduits, valves, fittings, equipment and appurtenances required to deliver reclaimed water to the property line and delivery point for use by the customer.

(23) Record drawings. Drawings that accurately show the completed facilities as constructed or modified. See also "As-built drawings."

(24) Recycled water. An interchangeable term for "Reclaimed water."

(25) Reuse site. The real property on which a customer may choose to reuse the reclaimed water.

(26) Service. Those components including service line, meter box, meter setter and related equipment that comprise the delivery point of the reclaimed water by the District to the customer.

(27) Service line. That conduit for reclaimed water from the distribution main to the property line.

(28) Shall. As used by these Regulations, "shall" and "will" are mandatory; "may" is permissive.

(29) Spray irrigation. An application of reclaimed water to crops, or to maintain or support the growth of vegetation by applying reclaimed water from sprinklers or orifices in piping. Spray irrigation does not include drip irrigation.

(30) State. The State of Utah.

(31) System. See "Reclaimed water system."

(32) UDEQ. The State of Utah Department of Environmental Quality, Division of Water Quality. The State regulatory agency responsible for oversight of wastewater reuse programs within the State of Utah.

(33) Use area. An area of recycled water use with defined boundaries, that may contain one or more reuse sites, buildings or structures..

(34) User. Any person or entity which contributes, causes or permits the use of reclaimed water supplied by the District.

(Ord. 2002-18, 08-07-2002)

9-7-3. Connection to reclaimed water system.

(1) General. Customers in designated service areas shall connect to the reclaimed water system when service is available and upon submission of the proper application and compliance with all other District policies and requirements.

(2) Mandatory Connection.

(a) Existing Buildings. Owners (customers) of primary buildings which have received a certificate of occupancy prior to the effective date of this Chapter shall connect to the system in accordance with this Chapter within sixty (60) days of the date of notice, mailed to the customer at the address of record, that reclaimed water is available. Thereafter, the customer shall not be permitted to connect to the potable water supply for the purpose of any use that can be adequately met by the available reclaimed water.

(b) New Buildings. Where reclaimed water is available, owners (customers) of primary buildings which receive a certificate of occupancy after the effective date of this Chapter shall not be permitted to connect to the potable water supply for the purpose of any use that can be adequately met by the available reclaimed water.

(Ord. 2002-18, and amendment 08-07-2002)

9-7-4. Authority to adopt rates, fees, and charges.

The Board shall have the authority, by resolution duly adopted in a public meeting, to establish rates, fees, and charges for the reclaimed water system and to provide terms and conditions for the payment and collection of the same.

(Ord. 2002-18, 08-07-2002)

9-7-5. Discontinuing service by the District.

The District may discontinue reclaimed water service to any customer due to a violation of the terms of this Ordinance or any other District policy or regulation, non-payment of bills, tampering with any service, plumbing of cross-connections with another water source, or the undertaking of any other activity that may be detrimental to the reclaimed water system. The District shall have the right to cease service until the condition is corrected and all costs due the District are paid. These costs may include delinquent billings and fees, connection charges, payment for any damage caused to the System, and other related costs. Should discontinued service be restored without authorization, then the District shall have authority to remove the service and make such additional charges as are established by administrative policy.
(Ord. 2002-18, 08-07-2002)

9-7-6. Interruption of service by the District.

The District reserves the right to temporarily discontinue service to any portion of, or the entire reclaimed water system, as deemed necessary by the Director. The Director shall have the authority to establish schedules which restrict the use of the reclaimed water system at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited reclaimed water availability.
(Ord. 2002-18, 08-07-2002)

9-7-7. Prohibition of water wastage.

(1) Application. The provisions of this section shall apply to all persons using reclaimed water, regardless of whether any person using reclaimed water shall have a contract for such service, and shall apply to all reclaimed water supplied by the District.

(2) General Prohibitions. The following prohibitions are in effect at all times, regardless of whether any declared shortage condition is in effect.

(a) Gutter Flooding. No person shall cause or permit any water furnished to any property served by the District to run or to escape from any hose, pipe, valve, faucet, sprinkler, or irrigation device into any gutter, or otherwise to runoff the property if such can reasonably be prevented.

(b) Leaks. No person shall permit leaks of reclaimed water that the person has the authority to eliminate.

(c) Waste. No person shall cause or permit reclaimed water under that person's control to be wasted.
(Ord. 2002-18, 08-07-2002)

9-7-8. Permits.

The District shall obtain and fulfill all necessary permits and approvals for the initial construction and operation of the reclaimed water distribution facilities constituting the District's reclaimed water system. Once service is available, any additional permits or approvals required for service to any particular customer, for the customer's benefit, shall be obtained at the sole expense of said customer.
(Ord. 2002-18, 08-07-2002)

9-7-9. Priorities for extending reclaimed water service.

The Board shall determine priorities for reclaimed water line extensions within the guidelines established in the "Facilities Phasing Plan" as incorporated into the District's Capital Improvement Plan and the "Reuse Project Plan," submitted to the Utah State Division of Water Quality.
(Ord. 2002-18, 08-07-2002)

9-7-10. Potable water wells.

As mandated by the Utah State Division of Water Quality, the District shall not provide reclaimed water service where wells are used as a source of potable water and where buffer zone requirements cannot be maintained. It shall be unlawful and an offense against the District to install a well intended for use as a potable water supply within UDEP-mandated buffer zone requirements of existing or known proposed reuse sites.
(Ord. 2002-18, 08-07-2002)

9-7-11. Right to service.

No payment of any costs, submittal of any application or petition, or undertaking any other act to receive reclaimed water service shall guarantee such service. The District, through the Director, shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the judgement of the Director, will cause the extension not to be beneficial to the District.
(Ord. 2002-18, 08-07-2002)

9-7-12. Service within municipalities.

Reclaimed water service may be provided to all eligible users within the District. Service may be provided to users outside the District, if the supply of reclaimed water is adequate, at the discretion of the Board.
(Ord. 2002-18, 08-07-2002)

9-7-13. Permitted uses of reclaimed water.

(1) Allowed Uses Regulated. Reclaimed water shall be used in accordance with the rules for such usage as provided in the applicable federal, State, and District regulations. Reclaimed water may be used for:

(a) Residential landscape irrigation, including irrigation at individual houses.

(b) Urban uses, which include landscape irrigation, golf course irrigation, non-residential toilet flushing, and fire protection.

(c) Agricultural irrigation, including irrigation of

food crops.

(d) Landscape and recreational impoundments of reclaimed water.

(e) Construction and industrial process water.

(f) Flushing gravity and force mains.

(g) Cooling water. Use for cooling towers which produce aerosols must have specific, written District approval.

(2) Other Uses Prohibited. Uses not listed above are considered prohibited uses of reclaimed water.

(3) Special Use Permits. The District may grant special use permits to other uses with similar potential for human exposure, only if it can be clearly demonstrated to the District that all of the State and District regulations can be met. The burden of proof shall be on the applicant.
(Ord. 2002-18, 08-07-2002)

9-7-14. Prohibited uses of reclaimed water.

(1) Reclaimed water **shall not** be:

(a) Used for consumption by humans.

(b) Connected to a dwelling for toilet flushing or other household uses.

(c) Interconnected with any other water sources.

(d) Used for filling swimming pools

(e) Connected to the interior of, or within, food preparation establishments.

(f) Connected to, or available from, above ground hose bibbs, faucets, or quick couplers accessible to unqualified persons.

(g) Connected to, or available from, hose bibbs or faucets at individual residences.
(Ord. 2002-18, 08-07-2002)

9-7-15. Service application requirements.

(1) Application Required. Reclaimed water service shall be applied for in the District offices by completing and signing an application form.

(2) Drawings Required. Applications for all reclaimed water services within any City, County, or State maintained rights-of-way shall include a dimensional plan showing the location of the requested service line relative to the nearest street intersection, etc., as required by the City, the County, or the State Department of Transportation. All drawings shall comply with the specifications contained in the Construction Manual.

(3) Approved Onsite System Required. Before an application for reclaimed water service will be approved, the customer must have a suitable onsite system. The onsite system to be provided by the customer shall meet the District's Construction Standards, as specified in the District's Construction Manual.

(4) Cross Connections Prohibited. No system with a cross connection to the potable water system will be considered for connection to the reclaimed water system. Temporary systems will not be considered for connection.

(5) Hose Bibbs Prohibited. Onsite systems shall not include hose bibbs, above ground faucets, or other devices or connections (unless of a type that can be secured to prevent access by unqualified persons) that could permit reclaimed water to be used for any purpose other than the approved uses as specified in 2.1.13 above.

(6) Compliance with District Construction Standards. All onsite systems constructed in areas where the District has determined to make reclaimed water available shall be constructed in accordance with all Federal, State, and District specifications and regulations, including, specifically, the regulations contained in the District's Construction Manual, and those of R317, Utah Administrative Code. The owner of the onsite system shall provide the District with a schematic drawing of the irrigation system before receiving service.
(Ord. 2002-18, 08-07-2002)

9-7-16. Meter requirements.

The District shall have the authority to establish metering policies as it deems appropriate.
(Ord. 2002-18, 08-07-2002)

9-7-17. Cross connection control.

(1) Water Supply to Be Protected. At all reuse sites where reclaimed water service is provided, the public or private potable water supply shall be protected by an approved backflow prevention device. All devices and materials installed for backflow prevention shall be approved by the District and shall be installed in accordance with the Construction Manual and other applicable District regulations. Where any cross connection is found, it shall be disconnected. Before reconnection of that service, the potable water system shall be protected against the possibility of future cross connections, and additional devices may be required as specified by the Administrator or Director and installed at the customer's expense.

(2) District's Right to Enter. To determine the presence of any potential hazards to the public potable water system and for the purposes of perpetual maintenance and repair of the reclaimed water system appurtenances, the District shall have the right to enter upon the premises of any customer receiving reclaimed water. Each customer of reclaimed water service shall be deemed, by application, to give written consent to such entry upon said premises.
(Ord. 2002-18, 08-07-2002)

9-7-18. Construction specifications.

(1) Pipe shall meet or exceed standards set by the American Water Works Association, UDEP, and the District's Construction Manual, whichever is stricter.

(2) Mains in the public rights-of-way shall be located a uniform distance from the curb and in a location approved by the Administrator and Director.

(3) Vertical and horizontal clearances from potable water lines and sewage lines shall be as specified in the District's Construction Manual, or as specified by UDEP rules, whichever is stricter.

(4) All valves and approved hose bibbs shall be placed in tamper-proof boxes.

(5) All onsite systems shall include backflow prevention devices directly downstream of the reclaimed water meter.

(6) Where reclaimed water mains are to be turned over to the District, the customer shall submit such documents as are normally required for the dedication of public facilities.

(7) "As-built" drawings shall be submitted to the Administrator upon completion of the onsite system.

(8) The Construction Manual may contain additional specific requirements.

(Ord. 2002-18, 08-07-2002)

9-7-19. Proper maintenance by the customer.

(1) Customer Responsible for Onsite Maintenance. The customer shall be responsible for the proper maintenance of all onsite reclaimed water facilities, including valves, backflow devices, irrigation lines, spray heads and appurtenances on the property served by the District.

(2) Cause for Discontinuance of Service by District. Failure to maintain the onsite facilities in a proper manner, shall be construed as just cause for the District to discontinue service until such time as the District is satisfied that the required maintenance has been performed.

(3) Customer Responsible for Special Equipment. Should the customer desire reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the District, the customer shall be responsible for the necessary devices to make these adjustments and for obtaining approval by the Administrator. Such devices, and the repair thereof, shall be the sole responsibility of the customer.

(4) Tampering Prohibited. No person shall tamper with, modify, or connect any unauthorized hose, fitting, or fixtures to the reclaimed water service, distribution facilities, or the customer's onsite system.

(5) Tampering Cause for Suspension of Service. Tampering shall be cause for notification, suspension, or revocation of reclaimed water usage permit**.** The District or Director shall immediately notify with written notice any person, firm, corporation, association, or agency found to have tampered with, modified, or connected any unauthorized hose, fitting, or fixtures to the reclaimed water service, distribution components, or the customer's onsite system.

(Ord. 2002-18, 08-07-2002)

9-7-20. Extent of District maintenance.

(1) Accepted Facilities Property of District. All facilities that have been accepted by the District, through District resolution pursuant to the procedures of Tooele City Code Chapter 7-19, as amended, shall become the property of the District and shall be maintained and operated by the District.

(2) No Reimbursement for Unauthorized Work. No person shall do any work nor be reimbursed for any work, or in connection with any work, on any portion of the system unless written authorization from the District is received prior to the work being accomplished.

(3) No Liability for Damage. The District shall make a reasonable effort to inspect and keep its facilities in good repair, but assumes no liability for any damage caused by the system that is beyond the control of normal maintenance or due to situations not previously reported to the District. This shall include damage due to breaking of pipes, poor quality of water caused by unauthorized or illegal entry of foreign material into the system, faulty operation of the facilities, or other reasons.

(Ord. 2002-18, 08-07-2002)

9-7-21. Common service lines.

The Director may approve one service line to connect two or more customers pursuant to the specifications of the District's Construction Manual.

(Ord. 2002-18, 08-07-2002)

9-7-22. Easement dedication.

The applicant shall dedicate land or shall grant perpetual easement to the District for reuse transmission and distribution facilities as are required to provide reclaimed water service. In cases deemed appropriate, the Director may accept a license or permit in lieu of an easement.

(Ord. 2002-18, 08-07-2002)

9-7-23. Public easements.

For reclaimed water lines and appurtenances which are installed by a person or entity other than the District, said lines and appurtenances shall not be accepted by the District for maintenance unless the facilities are within a dedicated public right-of-way or easement and have been accepted by the District pursuant to the procedures of Tooele City Code Chapter 7-19, as amended. Any easement submitted for acceptance by the District must meet the requirements specified below.

(Ord. 2002-18, 08-07-2002)

9-7-24. Easement requirements.

(1) Minimum Width of Easement Required. No District owned facilities shall be installed under the provisions outlined herein and accepted by the District for maintenance unless located in a dedicated easement or a dedicated public right-of-way. Any new easement shall have a minimum width of ten (10) feet.

(2) Obstructions Within Easements Prohibited. No obstruction of whatever kind shall be planted, built, or otherwise created within the limits of the easement or right-of-way without written permission of the Administrator.

(3) Easement Acceptance Requirements. All

easements shall be in a form acceptable to the District and not subject to outstanding obligations to relocate such facilities, to deeds of trust, or to any other encumbrance, except in instances where such is determined by the Director to be in the best interests of the District.
(Ord. 2002-18, 08-07-2002)

9-7-25. Ownership of reclaimed water facilities.

All reclaimed water facilities and appurtenances, other than on-site plumbing, when constructed or accepted by the District, shall become and remain the property of the District. No person shall by payment of any charges provided herein, or by causing any construction of facilities accepted by the District acquire any interest or right in any of these facilities, or any portion thereof, other than the privilege of having their property connected thereto for reclaimed water service in accordance with this Ordinance, District Regulations and any amendments thereof. A warranty provided pursuant to Section 7-19-12 of the Tooele City Code, as amended, shall not be construed to diminish the District's ownership.
(Ord. 2002-18, 08-07-2002)

9-7-26. Means of appeal.

(1) Right to appeal decision. Any person aggrieved by any refusal by the Administrator to grant service, or any other decision made by the Administrator pursuant to this Ordinance or the District's policies and regulations, shall have the right to appeal a decision of the Administrator to the Director. An application for appeal shall be based on a claim that the policies or rules of the District:

(a) Have been incorrectly interpreted,

(b) Do not fully apply, or

(c) An equally good or better method of construction is proposed.

(2) Written appeal required. The appellant shall file the application for appeal on a form obtained from the District's office within 20 days after notice of the Administrator's decision was mailed to the appellant.

(3) Director's Decision. The Director shall uphold, modify, or reverse the decision of the Administrator.

(a) Written Decision. The written decision of the Director shall be mailed to the appellant and the Administrator within 5 days from the date of the decision.

(b) Administration. The Administrator shall take prompt action in accordance with the appeal decision of the District Director.

(4) Review of Director's Decision. Any person aggrieved by the Director's decision regarding an appeal shall have the right to have the Board review the Director's decision. The review of the Director's decision shall follow the procedure under Section 7-9-27, herein.

(5) Basis of Board's Review. The Board's review of the Director's decision regarding an appeal shall be limited to a review of the evidence initially presented by the appellant to the Director, and to the minutes and written records of the original appeal. No new evidence may be submitted or brought forward at the review by the Board.
(Ord. 2002-18, 08-07-2002)

9-7-27. Appeals to the Board.

(1) Right of Appeal. Any person aggrieved by any refusal by the Director to grant service, or any other decision made by the Director pursuant to this Ordinance or the District's policies and regulations, shall have the right to appeal to the Board, in open session, for a final and binding decision.

(2) Basis of Appeal. An application for appeal shall be based on a claim that the policies or rules of the District:

(a) Have been incorrectly interpreted,

(b) Do not fully apply, or

(c) An equally good or better method of construction is proposed.

(3) Written Appeal Required. The appellant shall file the application for appeal on a form obtained from the District's office within 20 days after notice of the Director's decision was mailed to the appellant.

(4) Notice of meeting. The Board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

(5) Open appeals hearing. All appeal hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Director, and any person whose interests are affected shall be given an opportunity to be heard.

(6) Appeal Hearing Procedure. The Board may adopt and make available to the public through the District office, procedures under which an appeal hearing shall be conducted. The procedures need not strictly comply with State of Federal court rules of evidence, but shall mandate that only relevant and reasonably reliable information be received.

(7) Board Decision. The Board shall uphold, modify, or reverse the decision of the Director by a concurring vote of two-thirds of the Board. Failure to achieve a two-thirds vote shall result in the Director's decision being upheld without modification.

(a) Resolution. The decision of the Board shall be by resolution. Copies shall be mailed to the appellant and the Director within 5 days from the date of the vote on the resolution.

(b) Administration. The Director shall take prompt action in accordance with the appeal decision of the Board.
(Ord. 2002-18, 08-07-2002)

9-7-28. Transfer of reclaimed water.

It shall be unlawful and an offense against the District for any person or entity to sell, barter, trade, or otherwise transfer reclaimed water to any other person or entity, after having initially received said reclaimed water from the District, without express written authorization from the Director upon approval of the Board.

(Ord. 2002-18, 08-07-2002)

9-7-29. Enforcement.

The District shall determine and implement enforcement policies and procedures through separate administrative policy.
(Ord. 2002-18, 08-07-2002)

CHAPTER 8. RESIDENTIAL AND BUSINESS ALARMS

9-8-1. Purpose and scope.
9-8-2. Definitions.
9-8-3. Alarm system activation and response.
9-8-4. Notice and fees for repeated false alarms.
9-8-5. Appeals.
9-8-6. Collection of fees.

9-8-1. Purpose and scope.

(1) The purpose of this chapter is to require owners to properly use and maintain the operational effectiveness of residential and business security alarm systems in order to improve their reliability and eliminate or reduce false residential and business alarms.

(2) This Chapter governs repeated false alarms designed to summon the Tooele City police department.
(Ord. 2026-10; 05-06-2026)

9-8-2. Definitions.

As used in this Chapter, the following words and terms shall have the following meanings:

Alarm System – A system, or portion of a system or combination system, consisting of components and circuits arranged to monitor and/or signal initiating device that initiates a response.

False Alarm – The activation of a residential or business alarm, other than a panic alarm designed to elicit immediate police response for a robbery in progress, that results in a response by the police department that:

(1) is caused by mechanical failure, lack of maintenance, malfunction, or improper installation;

(2) is caused by the negligence or intentional misuse of the alarm system by the owner, tenant, or occupant of a premises, or an employee or agent thereof; or,

(3) for which emergency officials cannot determine a cause.

Owner – Any person who owns the premises in which an alarm system is installed. In the event such premises are leased to a third party, the term Owner shall mean both the owner of the property and the tenant in possession of the premises, and any responsibilities for the alarm system and fees assessed hereunder shall be joint and several for both the owner and tenant.

Police Department – Tooele City police department.

Premises – Any building or structure, or combination of buildings and structures, in which an alarm system is installed.

Service or Serve – Personal delivery or delivery via regular U.S. mail to both the physical address of the premises and to the address of the record owner of the premises if different than the physical address of the premises. Service is deemed effective upon personal delivery or 3 days after mailing.
(Ord. 2026-10; 05-06-2026)

9-8-3. Alarm system activation and response.

(1) The owner of a premises shall be responsible for all activations of a false alarm system thereon.

(2) A police department response to the activation of an alarm system shall be deemed to result when any officer is dispatched to the premises where the alarm has been activated.
(Ord. 2026-10; 05-06-2026)

9-8-4. Notice and fees for repeated false alarms.

(1) The fourth alarm false alarm in any 365-day period, shall result in the police department serving a Notice of Repeated False Alarm to the owner of the premises where the alarm system has been activated. The notice will indicate the alarm activation and direct the owner to correct the cause of the alarm, and provide warning that subsequent alarms may result in the assessment of fees.

(2) Upon the activation of the fifth false alarm in a 365-day period, the police department will serve a civil citation to the owner of the premises where the alarm system has been activated, punishable as follows in any given 365-day period:

(a) first citation: $100 fine;
(b) second citation: $250 fine; and,
(c) third and subsequent citations: $500 fine.

(Ord. 2026-10; 05-06-2026)

9-8-5. Appeals.

(1) An owner may appeal a Notice of Repeated False Alarms or a civil citation in writing and shall set forth the reasons for the appeal, in accordance with Chapter 1-28.

(2) All appeals shall be filed with the City Recorder within 10 days of service of the Notice being appealed.

(3) All appeals shall be accompanied with the payment of an appeal fee set forth in the Tooele City fee schedule. Appeal fees shall be returned to the owner if the Notice being appealed is not upheld on appeal.
(Ord. 2026-18; 06-17-2026) (Ord. 2026-10; 05-06-2026)

9-8-6. Collection of fees.

Tooele City is authorized to use all lawful means to collect fees assessed under this Chapter, including but not limited to direct billing by the City Finance Department, referral to a third-party collection agency, and referral to the City Attorney's Office for civil action.
(Ord. 2026-10; 05-06-2026)

TITLE 10. TRAFFIC CODE

Chapter 1. Repealed.
Chapter 2. Miscellaneous provisions.
Chapter 3. Stopping, Standing and Parking.
Chapter 4. Low Profile Motorized Vehicles.

CHAPTER 1. PARKING

Repealed. (Ord. 90-10, 06-14-90)

CHAPTER 2. MISCELLANEOUS PROVISIONS

10-2-1. Utah Code motor vehicle provisions adopted by reference.
10-2-2. Improper lookout.
10-2-3. Unlawful acceleration. (Repealed)
10-2-4. Funeral processions.
10-2-5. Ordinances enforceable at Tooele High School. (Repealed)
10-2-6. Violations.
10-2-7. Large vehicle and vehicles with dangerous load regulations - Truck routes.
10-2-8. Unlawful transfer or exchange on High-volume Roadway

10-2-1. Utah Code Annotated motor vehicle provisions adopted.

The following sections of the Utah Code Annotated, 1953 as amended, are hereby adopted by reference in their entirely as if fully set forth in this city code: Sections 41-1a-101 et seq.,, 41-6a-101 et seq., 41-8-1, 41-12a-101 et seq., 41-21-1 et seq., and 41-22-1 et seq., and 53-3-101 et seq., save and except sections 41-6a-1404, 41-6a-1405, 41-6a-1401, and 41-6a-1402, and such sections the violation of which constitutes class A misdemeanors other than 41-6a-503(2), 41-6a-517, 41-6a-510, 41-6a-520, 76-5-207, or felonies. Subsequent amendments by the Utah State legislature to those sections adopted hereby are also hereby expressly adopted by this reference.
(Ord. 2020-18, 05-06-2020) (Ord. 1994-48, 08-17-1994)

10-2-2. Improper lookout.

No person shall drive a vehicle on a roadway without keeping a reasonable and proper lookout for other traffic, pedestrians or impediments to safe travel.
(Ord. 1988-12, 03-16-1988)

10-2-3. Unlawful acceleration. (Repealed)

(Ord 2020-18, 05-06-2020)

10-2-4. Funeral processions.

(1) For purposes of this Section, "funeral procession" means an organized or formal group of two or more vehicles traveling in close formation to or from a mortuary, funeral home, or memorial service, accompanying the body or the cremated remains of a deceased person.

(2) It shall be unlawful for a funeral procession or any participant in a funeral procession to block vehicular traffic, to close or limit access to a public right-of-way, or to violate the traffic laws of the state of Utah.

(3) It shall be unlawful for any person to block vehicular traffic or to close or limit access to a public right-of-way for a funeral procession.

(4) Any violation of Subsections (2) or (3) of this Section shall be a class C misdemeanor.

(5) Notwithstanding the above, Tooele City, in its sole discretion, may block vehicular traffic and may close or limit access to public rights-of-way, using Tooele City peace officers and other peace officers under Tooele City's control, for funeral processions involving the following:

(a) fallen police officers;

(b) fallen firefighters;

(c) fallen soldiers;

(d) elected or appointed officials who die in office;

(e) individuals who have served Tooele City with distinction, such as, former elected officials; and,

(f) other individuals in the discretion of the Mayor or, in the Mayor's temporary absence, the Chairperson of the City Council.
(Ord. 2019-16, 06-05-2019) (Ord. 2016-22, 12-07-2016) (Ord. 1988-12, 03-16-1988)

10-2-5. Ordinances enforceable at Tooele High School. (Repealed)
(Ord. 2026-04, 03-04-2026)

10-2-6. Violations.

Violations of this chapter are Class "B" misdemeanors unless specifically indicated otherwise. (Ord. 1988-12, 03-16-1988)

10-2-7. Large vehicle and vehicles with dangerous load regulations - Truck routes.

(1) It is hereby declared necessary in order to safely move traffic in, out, and through the city, to regulate the movement and parking of large vehicles and vehicles with dangerous loads. The regulations in this Section apply to:

(a) all trucks licensed or actually used with a gross weight in excess of 19,000 pounds;

(b) trucks rated for one and one-half tons or larger under standard practices of the State of Utah; and,

(c) all explosive, corrosive and flammable liquid carriers capable of carrying in excess of 3,000 gallons or licensed for a gross weight in excess of 9,000 pounds.

(2) Any vehicle or truck as defined in this Section shall use only those routes specified in Subsection (3).

(3) The following are designated truck routes:

(a) State Road 36 (Main Street);

(b) State Road 112;

(c) Utah Avenue from State Road 112 to 1100 West;

(d) 1100 West from Utah Avenue to Vine Street;

(e) Tooele Boulevard from Vine Street to Millburn Avenue.

(4) The truck routes identified in Subsection (3) shall not apply to the following:

(a) emergency vehicles, school busses, Utah Transit Authority busses, city, county and state service

vehicles, and utility service vehicles; and,

(b) trucks making deliveries or pick-ups or traveling to a business, institutional, or construction site if utilizing the designated truck route closest to the delivery or pick-up location and utilizing the shortest non-designated route possible.

(5) (a) The parking of vehicles regulated by this Section on the public rights-of-way shall be regulated by Section 10-3-25.1.

(b) The parking of a vehicle regulated by this Section on a public right-of-way shall be presumptive evidence of it being operated on the right-of-way on which it is parked.

(6) The driver or owner of any vehicle regulated by this Section that is driven in violation of this Section shall be guilty of a class B misdemeanor.

Ord. 2025-17, 06-04-2025) (Ord. 2019-34, 12-04-2019) (Ord. 2014 -11, 08-06-2014) (Ord. 1994-51, 10-25-1994)

10-2-8. Unlawful transfer or exchange on a High-volume Roadway.

(1) For the purpose of this Section, the term "High-volume Roadway" means any property in or within 10 feet of the right-of-way of the following roadways, including but not limited to access drives, drive approaches, or curb cuts affording access to the roadways:

(a) SR-36 (Main Street)
(b) SR-112
(c) Vine Street
(d) Utah Avenue
(e) 400 North
(f) 600 North
(g) 1000 North
(h) 1280 North
(i) 2000 North
(j) 2400 North
(k) 3100 North
(l) Droubay Road
(m) Industrial Loop Road
(n) 400 West (Franks Drive)
(o) Coleman Street
(p) Skyline Drive
(q) Broadway
(r) 520 East (7th Street)
(s) Tooele Boulevard
(t) 200 West
(u) 100 East (from 1000 N and Utah Avenue)
(v) 700 South

(2) It is unlawful for any person to give, attempt to give, receive, attempt to receive, obtain, or attempt to obtain possession or control of any money, property, item, or thing from a person in a motor vehicle on a High-volume Roadway.

(3) It is unlawful for any driver, passenger, or person in a motor vehicle on a High-volume Roadway to give, attempt to give, receive, attempt to receive, obtain, or attempt to obtain possession or control of any money, property, item, or thing to any person, or to exit a motor vehicle while the motor vehicle remains on a High-volume Roadway in order to do the same.

(4) Actions described in subsections (2) and (3) are deemed to constitute an obstruction of High-volume Roadways and to create a serious public safety hazard.

(5) Actions that would otherwise violate this Section do not violate this Section if they are done as a result of a medical emergency, a traffic accident, or at the direction of a peace officer or other traffic control official in the course of performing his or her duties.

(6) Violation of this Section is a class "C" misdemeanor.

(2024-24, 10-02-2024) (2024-17, 06-06-2024)

CHAPTER 3. STOPPING, STANDING AND PARKING

10-3-1. Regulation of parking - Definitions.
10-3-2. Signs and color markings.
10-3-3. Angle parking.
10-3-4. Parallel parking.
10-3-5. Parking not to obstruct traffic.
10-3-6. Snow Event Parking Restrictions - Removal of Vehicles - Penalty.
10-3-7. Parking for certain purposes prohibited.
10-3-8. Parking at Tooele High School. (Repealed)
10-3-9. Application of provisions.
10-3-10. Provisions not exclusive.
10-3-11. Vehicles - Registration and Insurance Against Liability.
10-3-12. Parking signs required.
10-3-13. Approaching a parking space.
10-3-14. Procedure for leaving vehicle unattended.
10-3-15. Lights on parked vehicles.
10-3-16. Handicap parking - Public property.
10-3-17. Handicap parking - Private property.
10-3-18. Parking lots owned by the city.
10-3-19. Loading zones and restricted parking - Designation and signs.
10-3-20. Freight curb loading zones.
10-3-21. Restricted parking zones.
10-3-22. Parking in alleys.
10-3-23. Double parking, standing or stopping.
10-3-24. Stopping or parking - Roadways without curb. (Repealed)
10-3-25. Stopping standing or parking prohibited in certain areas.
10-3-25.1. Large Vehicle Parking.
10-3-26. Parking between curb and property line prohibited.
10-3-27. Using public rights-of-way for storage prohibited.
10-3-28. Presumption of liability.
10-3-29. Parking violation - Owner's responsibility.
10-3-30. Moving illegally parked vehicles - Police authority.
10-3-31. Violations - Penalties.
10-3-32. Parking violations - Appeal procedure.
10-3-33. Using parking lots and vacant lots to display used vehicles for sale.

10-3-1. Regulation of Parking - Definitions.

(1) The chief of police is authorized to prohibit, restrict, and regulate the parking, stopping, and standing of vehicles, including towing authority, as set forth in this Chapter:

(a) on any public right-of-way;

(b) on any off-street parking facility or property which Tooele City owns or operates;

(c) public school property; and,

(d) as otherwise authorized by federal, state, or local law.

(2) Except as otherwise specified, the provision of this Chapter shall apply to all vehicles and conveyances in the areas described in the above Subsection (1).

(3) Definitions.

"Alley" means a public right-of-way of the type described in Section 4-8-2.

"Angle parking" means the parking of a vehicle in a manner other than parallel to the street edge. Includes diagonal parking.

"Conveyance" means any machine, mechanism, or mode used for the act of moving persons or property from one place to another, excluding devices moved by human power and intended for use by a pedestrian.

"Emergency use areas" means those areas:

(a) in a public right-of-way designated by red curb markings (also known as "red zones");

(b) designated as ambulance zones, fire hydrant zones, or fire lanes, whether on public or private property; and,

(c) any other designated area of the city posted as restricted for emergency vehicles or emergency use.

"Highway"–see Street.

"Park" "stand" and "stop" (as well as their variants) shall have the same meaning, and mean a vehicle's complete cessation of movement upon or within a public right-of-way or other property under subsection (1). If any portion of a parked vehicle protrudes into the public right-of-way, the vehicle is deemed to be parked within the public right-of-way.

"Parking space" means that area of a right-of-way designated by street markings or signage for the parking of a single vehicle.

"Public right-of-way" means the surface of, and the space above and below, any public highway, roadway, street, sidewalk, alley, curb and gutter, park strip, shoulder, or other public way of any type whatsoever, now or hereafter existing as such within Tooele City. A public right-of-way extends across its cross-section from property line to property line. A public right-of-way can be created through dedication by plat, dedication by deed, conveyance by deed, prescriptive use, or other method recognized by Utah law.

"Roadway"–see Street.

"Street" means the portion of a public right-of-way paved and utilized for vehicular traffic. Includes highway and roadway.

"Shoulder" means:

(a) the unpaved portions of a public right-of-way located between the paved street edge and the right-of-way property line; and,

(b) the paved portions of a public right-of-way located between a painted solid white line and the right-of-way property line.

"Vehicle" means any motorized device for the transportation of people or goods containing two or more wheels.

(Ord. 2026-04, 03-04-2026) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-2. Signs and Color Markings.

The City is authorized, subject to the provisions and limitations of this Chapter, to place and maintain signs and traffic markings to indicate stopping, standing, and parking regulations. The following traffic markings shall designate zones and have the following meanings:

(1) Red curb means no stopping, standing, or parking at any time.

(2) Yellow curb means no stopping, standing, or parking except as designated by signs or traffic markings.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-3. Angle Parking.

The chief of police shall determine on what public rights-of-way and streets angle parking shall be permitted and shall cause angle parking areas to be marked or signed. Angle parking in the public rights-of-way is prohibited unless otherwise marked or signed. Angle parking shall not be permitted upon any federal-aid or state right-of-way unless the Utah Department of Transportation has determined that the right-of-way is of sufficient configuration to permit angle parking without interfering with the free movement of vehicular traffic, and the angle parking is marked or signed.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-4. Parallel Parking.

No person shall stop, stand, or park a vehicle within a public right-of-way other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement. Where a gutter is provided, of whatever design, the right-hand (passenger-side) tires of the vehicle must be located entirely on the gutter, except where the gutter is a historic deep irrigation structure, or as otherwise provided in this Chapter. Where no gutter is provided, vehicles shall be parked so as to not create a risk to vehicles traveling on the roadway.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-5. Parking Not To Obstruct Traffic.

No person shall stop, stand, or park a vehicle upon a public right-of-way in such a manner as to leave available less than 12 feet of the width of a roadway for the free movement of vehicular traffic.
(Ord. 2025-25, 08-06-2025) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-6. Snow Event Parking Restrictions - Removal of Vehicles - Penalty.

(1) It shall be unlawful to park a vehicle on any public right-of-way:

(a) when snow is falling upon that vehicle; or,

(b) when snow or ice have accumulated in any amount on the right-of-way upon which that vehicle is parked.

(2) Any vehicle parked in violation of this Section may be removed at the discretion of the Tooele City Police Department for creating public safety risks and for obstructing the City's snow removal efforts.

(3) The following are exempt from this Section:

(a) emergency vehicles and personnel in the performance of their functions and duties; and,

(b) Tooele City public works vehicles and employees in the performance of their functions and duties.
(Ord. 2021-09, 09-01-2021) (2020-21, 05-06-2020) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-7. Parking for Certain Purposes Prohibited.

No person shall park a vehicle upon any public right-of-way for any of the following purposes:

(1) displaying the vehicle for sale;

(2) washing, greasing, or repairing the vehicle except repairs necessitated by an emergency;

(3) displaying advertising; or,

(4) selling food or other merchandise, except as expressly authorized in this Code.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-8. Parking at Tooele High School. (Repealed.) (Ord. 2019-31, 12-04-2019)

10-3-9. Application of Provisions.

The provisions of this Chapter shall apply at all times, or at those times specified in this Chapter, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-10. Provisions Not Exclusive.

The provisions of this Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.
(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-11. Vehicles - Registration and Insurance Against Liability.

(1) Every vehicle at all times while standing or being stopped or parked upon a public right-of-way, public school property, or property owned or operated by Tooele City shall:

(a) be registered in the name of the owner thereof in accordance with the laws of the state, unless the vehicle is not required by the laws of Utah to be registered in the State of Utah;

(b) display in accordance with the laws of the State of Utah, valid, unexpired temporary registration or a license plate with indicia of valid, unexpired registration,

(c) be insured by owner's or operator's security in the same manner as required by the laws of the State of Utah for operation on a public highway.

(2) If the vehicle is not required to be registered in this state, and the indicia of registration issued by another state, territory, possession, or district of the United States, or of a foreign country, substantially complies with the provisions hereof, such registration shall be considered as in compliance with this Section.

(Ord. 2026-04, 03-04-2026) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-12. Parking Signs Required.

(1) When the City desires to implement any site-specific parking regulation that imposes a parking time limit or parking prohibition in a specific location, the City shall install and maintain signs and/or pavement markings that provide notice of the regulation at the location where enforcement is sought.

(2) This section shall not apply to the following:

(a) general parking regulations that apply city-wide;

(b) general parking regulations that apply under specified circumstances or to places in general that meet specified criteria without identifying specific places by address, street name, or other specific place description;

(c) any provision of the Tooele City Code listed below:

i. §10-3-6
ii §10-3-11
iii §10-3-14
iv. §10-3-22
v. §10-3-23
vi. §10-3-25(1)
vii. §10-3-25.1
viii. §10-3-26
ix. §10-3-27; and,

(d) any State Code parking regulation of general application.

(3) When signs or pavement markings are erected or placed by direction of the City, it shall be a violation for any person to park a vehicle or allow a vehicle to remain parked upon any right-of-way for longer than the time specified or contrary to the signs or markings.

(Ord. 2026-04, 03-04-2026) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 2007-31, 12-19-2007) (Ord. 1990-08, 06-14-1990)

10-3-13. Approaching a Parking Space.

(1) No person shall move a vehicle in any manner or leave a parking space and then reenter it to avoid the intent of this Chapter.

(2) Every driver about to enter a parking space being vacated shall stop the vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space, and having so waited shall have prior right to the parking space over all other drivers.

(3) No driver shall stop a vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.

(4) No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion in the process of vacating.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-14. Procedure for Leaving Vehicle Unattended.

Except for emergency vehicles in the performance of official duties, no driver or person in charge of a vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key and, when the vehicle is standing, parked, or stopped upon any perceptible grade, without effectively setting the brakes thereon and turning the front wheels to the curb or side of the street.

(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-15. Lights on Parked Vehicles.

(1) Whenever a vehicle is lawfully parked upon any right-of-way, no lights need be displayed upon the parked vehicle.

(2) Any lighted headlamp upon a parked vehicle, except official emergency vehicles in the performance of official duties, shall be depressed or dimmed.

(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-16. Handicap Parking - Public Property.

(1) Handicap Parking in Restricted Areas.

(a) A disabled person whose automobile has affixed thereto, as provided by law, the handicap license plate or a transferable motor vehicle identification card issued by the state of Utah, shall be entitled to park in the following identified restricted parking areas without charge, notwithstanding any other state or municipal parking restriction:

(i) freight loading zones;
(ii) passenger loading zones; and,
(iii) time-limited parking zones.

(b) It is unlawful for a disabled person to park for longer than the maximum designated time at restricted parking areas.

(2) The City is hereby authorized, at its discretion, to reserve by appropriate signage various public areas or property for handicap parking. It is unlawful for:

(a) any disabled person to park longer than the time shown on the sign designating the area as "handicap parking"; or,

(b) any vehicle to be parked in an area designated as handicap parking, unless the vehicle has

displayed upon it the handicap parking plate or transferable identification card issued by the state.

(3) It is unlawful for any person using a vehicle with a handicap license plate or transferable motor vehicle identification card who is not disabled to use handicap parking.

(4) Restricted Areas Not Authorized for Special Handicap Parking. Nothing herein shall be construed to permit parking by any individual, contrary to or as an exception to the limited purpose of any of the following designated areas:

(a) any area where official signs or traffic markings absolutely prohibit stopping, standing, or parking;

(b) areas reserved for emergency use;

(c) on a sidewalk;

(d) in front of or within five feet of a private driveway;

(e) within five feet of a fire hydrant, as measured in both directions along the street or highway curbline or public right-of-way property line, from a line extending from the center of the hydrant to the curbline or property line at its nearest point;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet of the approach to any flashing beacon or traffic-control device located at the side of a roadway;

(h) between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different length;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct or be hazardous to traffic;

(l) upon any bridge or other elevated structure upon a street;

(m) at any place in any public park, playground, or grounds of any public building other than on the roads and parking lots provided for public parking in accordance with provisions of any officially installed signs;

(n) on any footpath or trail in any park, recreational area, or playground; or,

(o) taxi and bus stands or stops.

(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-17. Handicap Parking - Private Property.

Only those vehicles displaying a handicap license plate or transferable identification card issued by the state may park in any parking space designated for the parking of handicapped or disabled persons. This restriction shall apply to and be enforceable upon public property and private property where parking is open to the general public, whether parking is provided to the general public for free or for a fee.

(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-18. Parking Lots Owned by the City.

(1) No person, on the premises of any parking lot owned by the City where a sign or signs are posted designating such parking lot as a parking lot of Tooele City, shall do any of the following:

(a) park any vehicle continuously within the parking lot in excess of 48 hours;

(b) park any boat, trailer, or recreational vehicle;

(c) park any vehicle over 18 feet in length or eight feet wide;

(d) abandon any vehicle;

(e) make repairs on any vehicle; or,

(f) otherwise park in violation of the provisions of this Chapter.

(2) Any vehicle found in violation of subsection (1) is hereby declared to be a nuisance and may be summarily abated by removing any such vehicle by, or under the direction of, or at the request of a police officer or other officer charged with enforcing the parking laws of the City to a place of storage by means of towing.

(Ord. 2026-04, 03-04-2026) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-19. Loading Zones and Restricted Parking - Designation and Signs.

The City is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones. The City shall place and maintain signs or markings indicating the same and stating the hours during which the provisions of this Section are applicable.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-20. Freight Curb Loading Zones.

(1) No person shall stop or park a vehicle or permit the same to remain stopped or parked for any purpose or length of time other than for the expeditious loading or unloading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed 30 minutes.

(2) The driver of a passenger vehicle may stop and park at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers provided that the driver must remain with the vehicle.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-21. Restricted Parking Zones.

No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in the zone is restricted, except that a driver of a passenger vehicle may stop or park temporarily in the zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which parking is restricted. The driver must remain with the vehicle.
(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-22. Parking in Alleys.

No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance of any abutting property, or interfere with the free movement of traffic through the alley.
(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-23. Double Parking, Standing, or Stopping.

No person shall park, stand, or stop a vehicle in a public right-of-way upon the roadway side of another vehicle which is parked, standing, or stopped in a public right-of-way except while actually engaged in loading or unloading passengers, or in compliance with the directions of a police officer or traffic-control device, or when temporarily necessary to avoid other traffic.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-24. Stopping or Parking - Roadways without Curb. Repealed
(Ord. 2025-25, 08/06/2025)

10-3-25. Stopping Standing or Parking Prohibited in Certain Areas.

(1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(a) on a sidewalk or curb;

(b) in front or within five feet of a private driveway, to include the drive approach;

(c) within an intersection;

(d) within five feet of a fire hydrant, as measured in both directions along the street or highway curbline or right-of-way property line from the line extending from the center of the hydrant to the curbline or property line at its nearest point;

(e) on a crosswalk;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet upon the approach of any flashing beacon or traffic-control device located at the side of a roadway;

(h) between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction, when stopping, standing, or parking would obstruct or be hazardous to traffic;

(l) upon any bridge or other elevated structure upon a street;

(m) where official signs or traffic markings prohibit stopping, standing, or parking;

(n) in any public park, playground, recreational area, or grounds of any public buildings other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any signs, officially installed by direction of the city;

(o) on any footpath or trail in any park, recreational area, or playground;

(p) within a fire lane, as designated by Tooele City, whether on public or private property;

(q) on any median or island, or on any dividing section of a street;

(r) on any street or alley less than 20 feet wide; or,

(s) on the south or east side of any street or alley where the width is over 20 feet, but less than 30 feet, unless otherwise directed by traffic-control devices.

(2) No person shall stop, stand, or park a vehicle in any manner or position contrary to any sign or marking officially placed by direction of the City.

(3) No person shall move a vehicle under such person's control into any such prohibited area, or upon any area not designated for vehicular travel or parking.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-25.1. Large Vehicle Parking.

Vehicles defined in Section 10-2-7(1):

(1) are prohibited from parking on public rights-of-way except those routes identified in Section 10-2-7(3);

(2) are prohibited from parking on public school grounds during school hours, except to the extent necessary to effectuate deliveries to and pick-ups from the school; and,

(3) shall comply with the provisions of this Chapter.

(Ord. 2026-04, 03-04-2026) (Ord. 2019-31, 12-04-2019)

10-3-26. Parking between Curb and Property Line Prohibited.

No person shall stop, stand, or park any vehicle upon any portion of a public right-of-way between the curb lines and the adjacent property lines.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-27. Using Public Rights-of-way for Storage Prohibited.

No person shall use the public rights-of-way for storage of vehicles, including a car, truck, boat, trailer, motor home, camper, recreational vehicle, motorcycle, all-terrain vehicle, or other similar vehicle. For purposes of this Section, the word "storage" shall mean being located within any public right-of-way for a period of time longer than 48 hours. Moving a vehicle from one public right-of-way location to another within the 48 hours is not a defense.
(Ord. 2024-20, 06-19-2024) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-28. Presumption of Liability.

The fact that a vehicle which is parked in violation of the provisions of this Chapter is registered in the name of a person shall be sufficient to constitute a presumption that such person was in control of the vehicle at the time of its parking.
(Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-29. Parking Violation - Owner Responsibility.

Whenever any vehicle is parked in violation of any of the provisions of this Chapter, the person in whose name the vehicle is registered shall be prima facie responsible and strictly liable for the violation and associated penalty.
(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-30. Moving Illegally Parked Vehicles - Police Authority.

(1) All vehicles parked in violation of this Chapter are illegally parked and are considered to be unsafely parked and to obstruct the normal and safe movement of emergency response vehicles (including police vehicles, fire apparatus, ambulance, etc.), city service vehicles (including snow plows, street sweepers, garbage trucks, etc.), as well as bicycles and pedestrians. Therefore, a police officer is hereby authorized to remove or cause to be removed to a place of safety any abandoned vehicle and any unattended vehicle stopped, parked, or left standing on a street or public right-of-way in violation of this Chapter.

(2) Before removing a vehicle that is not an immediate hazard to persons or property, a police officer will make a reasonable attempt to contact the registered owner to request the owner's immediate removal of the vehicle.
(Ord. 2023-41, 10-18-2023) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-31. Violations - Penalties.

(1) A violation of any provision of this Chapter shall be a civil offense.

(2) Any person violating any provision of this Chapter shall be liable for a $50 civil penalty for each violation. Any penalty assessed under this Chapter may be in addition to such other penalties as may be provided in this Title.

(3) Any penalty that is not paid within 15 calendar days from the date of receipt of notice shall be increased to $100.

(4) As used in this Chapter, "receipt of notice" means any of the following:

(a) affixing a notice to the vehicle alleged to have been in violation;

(b) affixing a notice in a conspicuous place at the vehicle owner's address as indicated on vehicle registration records;

(c) delivering a notice to the owner or driver of the vehicle in violation;

(d) delivering a notice by U.S. mail to the vehicle owner's address as indicated on vehicle registration records. Deliveries by U.S. mail are presumed received three days after posting.
(Ord. 2023-13, 04-05-2023) (Ord. 2019-31, 12-04-2019) (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-32. Parking Violations - Appeal Procedure.

Appeal of civil penalties imposed under this Chapter shall be to the Administrative Hearing Officer under Chapter 1-28 of this Code.
(Ord. 2019-11, 04-17-2019) (Ord. 2013-07, 04-17-2013) (Ord. 2006-02, 01-04-2006) (Ord. 1990-08, 06-14-1990)

10-3-33. Using Parking Lots and Vacant Lots to Display Used Vehicles for Sale.

It shall be unlawful for the owner of a vehicle or boat, or for any other person, to park, cause to be parked, or allow to be parked the vehicle or boat on a vacant lot or parking lot owned by another person for the purpose of displaying the vehicle or boat for sale unless the owner or lessee of the property on which it is parked has given authorization for the vehicle or boat to be so parked.
(Ord. 2019-11, 04-17-2019) (Ord. 1994-29, 07-06-1994)

CHAPTER 4. LOW PROFILE MOTORIZED VEHICLES

10-4-1. Definition–low profile motorized vehicle.
10-4-2. Operation restrictions.

10-4-1. Definition--low profile motorized vehicle.

For purposes of this Chapter, a low profile motorized vehicle shall mean a motor vehicle, as defined in §41-6-1, *Utah Code Ann.*, that is designed to be operated from a seated position and measures less than 36 inches in height in its normal operating position, notwithstanding any flag, antenna, or other attachment or modification made thereto. This definition shall include but is not limited to miniature motorcycles, "pocket bikes", "go carts", and other similar vehicles characterized by short vehicle height and a low seating position.
(Ord. 2004-23, 12-15-04)

10-4-2. Operation restrictions.

(1) It is unlawful for any person to operate a low profile motorized vehicle upon any public property within Tooele City including but not limited to sidewalks, parks, recreational facilities, and parking lots.

(2) It is unlawful for any person to operate a low profile motorized vehicle upon a public roadway within Tooele City unless it is properly registered, insured, equipped, and otherwise in compliance with all applicable laws of the State of Utah, or the vehicle is otherwise allowed upon public roadways by the laws of the State of Utah.

(3) If a low profile motorized vehicle is allowed upon public roadways by the laws of the State of Utah, the operator shall be licensed with a state issued operator's licence of the appropriate class, as set forth by Utah law, and shall wear an appropriately fastened and adjusted helmet which meets the requirements of Utah law, unless otherwise exempted by the laws of the State of Utah.

(4) It is unlawful for an owner of any low profile motorized vehicle to knowingly permit the operation of the vehicle in violation of subsections (1), (2), and (3) above.

(5) A violation of any provision of this Chapter is a class C misdemeanor.
(Ord. 2004-23, 12-15-04)

TITLE 11. CRIMINAL CODE

Chapter 1. Crimes.
Chapter 2. Noise Control.
Chapter 3. Repealed. (Ord. 94-27, 12-19-94)
Chapter 4. Graffiti.

CHAPTER 1. CRIMES

11-1-1. Utah Code Annotated criminal, alcohol, and drug provisions adopted.
11-1-2. Contributing to the delinquency of a minor.
11-1-3. Unlawful acts in or about schools.
11-1-4. Regulation of commercial handbills.
11-1-5. Discharge of firearms and other devices within city limits.
11-1-6. Traps prohibited.
11-1-7. Repealed.
11-1-8. Curfew.
11-1-9. Possession of Contraband by Inmates.
11-1-10. Minors and the distribution or display of harmful sexually oriented material and sexual paraphernalia.
11-1-11. Park closure – permits – penalty.
11-1-12. Camping.

11-1-1. Utah Code Annotated criminal, alcohol, and drug provisions adopted.

(1) Sections 76-1-101 et seq., and 77-1-1 et seq., Utah Code Annotated 1953, as last amended, which sections are known as the Utah Criminal Code and the Utah Code of Criminal Procedure, respectively, are hereby adopted by reference in their entirety, save and except such portions that refer to class A misdemeanors and felonies. Subsequent amendments by the legislature to such sections are hereby expressly adopted.

(2) Sections 32B-1-101 et seq., Utah Code Annotated 1953, as last amended, which sections are known as the Utah Alcoholic Beverage Control Act, are hereby adopted by reference in their entirety, save and except such portions that refer to class A misdemeanors and felonies. Subsequent amendments by the legislature to such sections are hereby expressly adopted.

(3) Sections 58-37-1 et seq., 58-37a-1 et seq., 58-37b-1 et seq., and 58-37c-1 et seq., of the Utah Code Annotated, 1953 as amended, which sections are known as the Utah Controlled Substances Act, the Utah Drug Paraphernalia Act, the Imitation Controlled Substances Act, and the Controlled Substances Precursor Act, respectively, are hereby adopted by reference in their entirety, save and except such portions that refer to class A misdemeanors or felonies. Subsequent amendments by the Utah State legislature to such sections are hereby expressly adopted by this reference. (Ord. 94-48, 08-17-94)

(4) Where the Utah Code Annotated sections adopted in Subsections (1), (2), and (3) refer to jurisdiction and venue as being in the state of Utah, such sections shall be amended to refer to jurisdiction and venue as being in Tooele City, Utah.

(5) Violations of Subsections (1), (2), and (3) shall be prosecuted in the name of Tooele City, using the Utah Code Annotated section numbers in the charging documents to describe the sections violated.

(Ord. 2020-17, 05-06-2020) (Ord. 1990-13, 08-07-1990)

11-1-2. Contributing to the delinquency of a minor.

The following persons are guilty of a class B misdemeanor:

(1) Any person 18 years of age or older who solicits, requests, commands, encourages, or intentionally aids or who acts with a juvenile in the violation of any federal, state or local law or municipal ordinance, or who tends to cause children to become or remain delinquent, or who aids, contributes to, or becomes responsible for the neglect, abuse or delinquency of any child;

(2) Any person 18 years of age or older, having a child in his legal custody, or under his care, or in his employment, who willfully abuses or ill-treats, neglects, or abandons the child in any manner likely to cause the child unnecessary suffering or serious injury to his health or morals;

(3) Any person 18 years of age or older who forcibly takes away a child from, or wrongfully encourages him to leave, the legal or physical custody of any person, agency, or institution in which the child lawfully resides or has been legally placed for the purpose of care, support, education, or adoption, or any person who knowingly detains or harbors a child whom he has reasonable grounds to believe has escaped or fled the custody of any agency or institution in which the child lawfully resides or has run away from his parent, guardian, or custodian;

(4) Any person 18 years of age or older who provides a child with an alcoholic beverage or a controlled substance or who encourages or permits a child to consume an alcoholic beverage or controlled substance; or

(5) Any person 18 years of age or older who fails to report child abuse, as required by Section 78-36-10, Utah Code Annotated.

(Ord. 1988-12, 03-16-1988)

11-1-3. Unlawful acts in or about schools.

(1) It is a Class "B" misdemeanor for any person to annoy, disturb or otherwise prevent the orderly conduct of the activities, administration or classes of any elementary, junior high or high school.

(2) It is a Class "B" misdemeanor for any person to annoy, idle about, wander about or play in, about, or on any elementary, junior high or high school grounds or buildings, while school is in session, whether on foot, or in or on any vehicle, without being engaged in some activity sanctioned by the administration of the particular school involved.

(Ord. 1988-12, 03-16-1988)

11-1-4. Regulation of commercial handbills.

(1) Definition. “Commercial Handbill” means any printed or written material that:

(a) advertises for sale any merchandise, product, commodity, service, or thing;

(b) directs attention to any commercial establishment or activity;

(c) directs attention to any meeting, performance, exhibition, or event; or,

(d) is predominantly and essentially an advertisement though containing material other than advertising material.

(2) Prohibited acts. It shall be unlawful for any person or business entity to do, or to cause to be done, any of the following:

(a) to throw or deposit a commercial handbill upon public property, including parks, streets, and sidewalks;

(b) to throw a commercial handbill upon private property without the express consent of the property owner;

(c) to throw a commercial handbill from a moving vehicle;

(d) to throw or deposit a commercial handbill on vacant or uninhabited property;

(e) to throw or deposit a commercial handbill on property where any portion of the property is marked with the words “no soliciting,” “no trespassing,” or similar such words.

(3) Penalty. A violation of this Section shall be an Infraction.

(Ord. 2017-28, 11-01-2017) (Ord. 2016-08, 05-04-2016) (Ord. 1988-12, 03-16-1988)

11-1-5. Discharge of firearms and other devices within the City limits.

(1) Any person who discharges a firearm within the City limits, without a permit to do so, is guilty of a class B misdemeanor.

(2) Any person who discharges within the City limits any device which is designed to propel projectiles at a high rate of speed, and who creates a substantial risk of injury to persons or property, is guilty of a class B misdemeanor.

(3) Peace officers of the State of Utah, while acting within the scope and line of duty, are exempt from the provisions of this Section, as is any person acting in defense of self, another, or property as permitted by law.

(Ord. 1996-18, 06-19-1996) (Ord. 1988-12, 03-16-1988)

11-1-6. Traps prohibited.

(1) Every person who sets a trap is guilty of a Class "B" misdemeanor.

(2) Each separate trap that is set constitutes an individual and separate offense.

(3) As used within this section:

(a) "Set" means:

(i) To cock, open or put a trap in such a condition that it would clamp closed when an object or person touches a trigger device; or,

(ii) To place a trap which has been opened or fixed so that it would close upon the triggering device being touched upon the ground or in a position where a person or animal could become caught therein.

(b) "Trap" means a clamp-like apparatus which is utilized to catch animals, objects or persons when, after being set and the triggering device being activated, clamp-like jaws are designed to come together with force so as to clamp upon the person or object activating the triggering device.

(Ord. 1988-12, 03-16-1988)

11-1-7. Repealed. (Ord 1990-20, 12-11-1990)

11-1-8. Curfew.

(1) It is an Infraction for anyone 17 years of age or younger to be in or on a sidewalk, street, or alley or in any public place between 12:00 a.m. and 5:00 a.m. unless accompanied by a parent or guardian.

(Ord. 2010-02, 01-07-2010) (Ord. 1988-12, 03-16-1988)

11-1-9. Possession of contraband by inmates.

(1) Definitions.

(a) “Inmate” means any person in official custody or under commitment to be in official custody at the Tooele County Detention Center (hereinafter “the jail”) and includes the following: persons on trusty or work duty status; persons released temporarily for work release, medical treatment, psychological or other counseling, court appearances, or other temporary release conditions; and, persons in the custody of the jail but not yet booked into the jail.

(b) “Contraband” means any item the possession of which affects the safe, efficient, and orderly operation of the jail, and includes but is not limited to cigarettes, other tobacco products, and any medication unless approved by jail medical staff. “Contraband” does not include items listed in Utah Code Annotated 76-8-311.3(2) or 58-37-4 (1953) as amended.

(c) “Possession” means to have on one’s person, to have in one’s clothing or other personal property, or to have within one’s dominion or control.

(d) “Conspire” means that a person agrees with one or more other persons to engage in conduct that would facilitate the possession of contraband by an inmate and commits an overt act in pursuance of the agreement. For purposes of this ordinance, the other person involved may be an inmate.

(e) “Jail” means the Tooele County Detention Center and includes the grounds of the Tooele County Courthouse building upon which the jail is located.

(2) Prohibited Acts.

(a) It shall be illegal for any inmate to possess contraband or for any person to possess contraband with the intent to provide contraband to an inmate.

(b) It shall be illegal for any person to conspire to provide contraband to an inmate.

(3) Penalty.

(a) A violation of (2)(a) is a class B misdemeanor.

(b) A violation of (2)(b) is a class C misdemeanor.
(Ord. 1995-15, 09-16-1995)

11-1-10. Minors and the distribution or display of harmful sexually oriented material and sexual paraphernalia

(1) Title for Citation. The ordinance codified in this chapter shall be known as "Minors and the Distribution or Display of Harmful Sexually Oriented Material and Sexual Paraphernalia."

(2) Purpose. The purpose and object of this chapter is to prevent persons or businesses from supplying or displaying harmful, sexually-oriented materials or devices to minors.

(3) Definitions. Any terms not specifically defined herein shall be construed according to common dictionary or community usage. For the purpose of this Chapter, the following words shall have the following meanings:

(a) "Adult person" shall mean any person who has reached his or her nineteenth birthday.

(b) "Display" shall mean to show an item or image in such a manner that any portion of it may be viewed or examined by patrons or members of the general public.

(c) "Distribute" shall mean to transfer possession of something from one person to another, whether or not consideration is provided.

(d) "Harmful material" shall mean any printed material, photograph, film, video, or other visual or non-visual representation which is characterized primarily by depictions or descriptions of nudity, specified sexual activities, or specified anatomical areas, as defined herein, and which:

(i) Taken as a whole, is offensive to prevailing community standards with respect to what is suitable for minors; and

(ii) Taken as a whole, does not have substantial educational merit for minors arising from serious literary, scientific, or political value.

(e) "Minor" shall mean any person who has not yet reached his or her nineteenth birthday.

(f) "Nudity" shall mean any image portraying a state of dress in which:

(i) any portion of the female breast below the uppermost point of the areola is exposed to view or is covered by a covering which is less than opaque; or

(ii) any portion of the female or male genitalia, pubic region, or the cleft of the buttocks is exposed to view or is covered by a covering which is less than opaque; or

(iii) any covered portion of the male genitalia is portrayed in a discernibly turgid state; or

(iv) coverings or costumes are worn or depicted which simulate any portion of the body described in (i), (ii), or (iii) above.

(g) "Reasonable care" shall mean the use of such care as a reasonably prudent and careful person would use under the circumstances.

(h) "Sexually Oriented Material" shall mean printed material, photographs, films, computer programs, video recordings, slides, audio recordings, or other visual or nonvisual representations which depict or describe as a central theme specified sexual activities or specified anatomical areas, as defined herein.

(i) "Sexual paraphernalia" shall mean any instrument, device, or object designed for use in connection with specified sexual activity, as defined herein, except for medically approved contraceptives or other medical devices generally accepted within the medical community for use in treating a medical condition.

(j) "Specified anatomical area" means any portion of:

(i) human genitalia;

(ii) human pubic hair or pubic area;

(iii) any portion of the female breast below the uppermost point of the areola;

(iv) anus; and

(v) cleft of the buttocks.

(k) "Specified sexual activity" means:

(i) any act of:

(a) masturbation;

(b) sexual intercourse between persons;

(c) fellatio;

(d) cunnilingus;

(e) bestiality;

(f) sodomy; and

(g) sadomasochism, sadism, or other acts involving torture, flagellation, or bodily restraint accompanied by the intentional infliction of pain, for the purpose of providing sexual gratification or enacting sexual fantasy; and

(ii) manipulation, caressing, fondling (directly or with an object), or oral touching by any person of:

(a) human genitalia

(b) human pubic area or pubic hair

(c) the nipple or areola of the female breast, or any portion of the female breast below the uppermost part of the areola;

(d) any portion of the buttocks or anus.

(4) Distributing Harmful Material to Minors.

(a) It shall be unlawful for any person or entity to knowingly distribute, offer to distribute, or agree to distribute harmful material or sexual paraphernalia to a minor, when the individual or entity knows that the recipient or intended recipient is a minor, or fails to exercise reasonable care to ascertain the age of the recipient or intended recipient, who is a minor.

(b) It shall be unlawful for any person or entity to display for sale, rental, or exhibition any harmful material or sexual paraphernalia, as defined herein, in such a way that it may be viewed or examined by minors.

(c) It shall be unlawful for any person or entity to display for sale, rental, or exhibition any harmful material or sexual paraphernalia in any portion of a business premises which is open to minors.

(d) It shall be unlawful for any entity which sells sexual paraphernalia or harmful material, or any

authorized representative of the entity, to allow a minor to enter any portion of the business premises which is closed to minors pursuant to the requirements of this chapter; the standard of care imposed is negligence.

(e) It shall be unlawful for any adult person having care, custody, or control of a minor, or any adult person directly accompanying a minor, to knowingly permit the minor to enter any portion of a business which is closed to minors pursuant to the provisions of this chapter.

(f) It shall be unlawful for the owner or lessor of any real property to knowingly allow the property to be used in violation of any part of this chapter.

(g) It shall be an affirmative defense to prosecution under this chapter that the minor produced state-issued, picture identification which indicated that the minor was nineteen or older, and after examining the identification and observing the minor, a reasonable person would have concluded that the minor was nineteen or older; a person or entity may not reasonably rely upon any form of identification which readily appears to have been altered or fraudulently used.

(h) The prosecution shall not be required to introduce expert testimony or scientific evidence to establish a community standard with respect to minors and harmful material.

(i) A violation of any portion of this subsection shall be a class B misdemeanor with a minimum fine of $400 for each separate offense. Upon a second conviction and all subsequent convictions, the minimum fine shall be $600. Each day that a violation continues shall constitute a separate offense.

(5) Severability.

In the event that any provision of this Chapter is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in effect.

(Ord. 1999-18, 06-16-1999)

11-1-11. Park closure – permits – penalty.

(1) All city-owned public parks shall be closed to all persons between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise signed. All city-owned skating facilities shall be closed to all persons between the hours of 10:00 p.m. and 6:00 a.m. unless otherwise signed. For purposes of this Section, the public right-of-way (including streets, sidewalks, and park strips) adjacent to a park is not considered part of the park. In exceptional circumstances, and for periods not to exceed 60 days, the Mayor may authorize signage setting different closure hours for individual parks.

(2) The Parks and Recreation Department may issue permits to persons desiring to occupy a public park or skating facility during closure hours.

(3) All persons in a city-owned public park or skating facility during closure hours, without a valid permit, shall be in violation of Utah Code §76-6-206 (Criminal Trespass), as amended.

(Ord. 2010-08, 10-06-2010)

11-1-12. Unlawful Camping.

(1) It shall be unlawful for any person to camp on public grounds, except as follows:

(a) in cases of local emergency as declared by the Mayor; or,

(b) with a City permit or other City written authorization.

(2) For any person camping in violation of this Section, it shall be unlawful for that person to fail to remove that person's camping equipment within 30 minutes of being requested to do so by a police officer.

(3) It shall be unlawful for any person to camp on private land outside of a legal campground for more than five consecutive days or nights, or for more than five days or nights in any given calendar month.

(4) Definitions.

(a) "Camp" or "camping" means any act taken for the apparent purpose of establishing temporary or permanent living or sleeping accommodations, and includes the following: erecting a tent or shelter of any material; using or preparing a sleeping bag or other bedding material, including a blanket; storing personal belongings; cooking or making a fire in a place that has not been authorized or established for those uses; and, parking a motor vehicle, motor home, recreational vehicle, camper, or trailer for the apparent primary purpose of sleeping.

(b) When a park is open to the public, "camp" or "camping" shall not mean periods of brief napping or the temporary use of umbrella, canopy, or other sheltering materials for picnicking, sporting events, or other temporary recreational activities in that park.

(c) "Public grounds" means any land owned or operated by Tooele City.

(5) Violations and Penalties. A violation of this section shall constitute a class C misdemeanor.

(Ord. 2023-40, 10-04-2023) (Ord. 2021-36, 10-20-2021)

CHAPTER 2. NOISE CONTROL

11-2-1. Declaration of policy.
11-2-2. Definitions and standards.
11-2-3. Sound level - Measurement method.
11-2-4. Noises prohibited.
11-2-5. Exempt uses and activities.
11-2-6. Zoning districts and permitted noise levels.
11-2-7. Permit for relief from restrictions - Conditions.
11-2-8. Enforcement responsibility.
11-2-9. Violation - Penalty.
11-2-10. Violation - Additional remedies.

11-2-1. Declaration of policy.

It is declared to be the policy of Tooele City to prohibit the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use, and which are a detriment to the public health, comfort, convenience, safety, welfare, prosperity, and peace and quiet of the residents of the city. (Ord. 91-26, 12-12-91)

11-2-2. Definitions and standards.

(1) All terminology used in this chapter and not defined in this chapter shall be interpreted in conformance with applicable American National Standards Institute Publications, including but not limited to SI. 1-1960, R 1971, or those from its successor publications or bodies.

(2) For purposes of this chapter:

(a) "Ambient sound pressure level" means the sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeded ninety percent of the time based on a measurement period which shall not be less than ten minutes.

(b) "A-weighted sound pressure level" means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is "dB(A)" or "dBA."

(c) "Continuous sound" means any sound which exists, essentially without interruption, for a period of ten minutes or more.

(d) "Cyclically varying noise" means any sound which varies in sound level such that the same level is obtained repetitively at reasonable uniform intervals of time.

(e) "Decibel" means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as "dB."

(f) "Device" means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

(g) "Dynamic braking device" (commonly referred to as "jacobs brake") means a device used primarily on trucks for the conversions of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(h) "Emergency vehicle" means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(i) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

(j) "Impulsive noise" means a noise containing excursions usually less than one second, or sound pressure level using the "fast" meter characteristic.

(k) "Motor vehicle" means any vehicle which is self-propelled by mechanical power, including but not limited to passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles.

(l) "Muffler" means an apparatus consisting of a series of chambers of baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

(m) "Ninetieth percentile noise level" means the A-weighted sound pressure level that is exceeded ninety percent of the time in any measurement period, such as the level that is exceeded for nine minutes in a ten-minute period, and is denoted "L90."

(n) "Noise" means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

(o) "Noise disturbance" means any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

(p) "Percentile sound pressure level" means tenth percentile noise level; the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period, such as the level that is exceeded for one minute in a ten-minute period, and is denoted "L10."

(q) "Person" means any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.

(r) "Plainly audible noise" means any noise for which the information content of that noise is unambiguously transferred to the listener, such as but not limited to understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(s) "Property boundary" means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

(t) "Public place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses,

office buildings, transport facilities, and shops.

(u) "Public right-of-way" means any street, avenue, boulevard, highway or alley, or similar place, which is owned or controlled by a public governmental entity.

(v) "Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist of the one-third octave band sound-pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for frequencies of five hundred hertz (Hz) and above, by eight dB for frequencies between one hundred sixty and four hundred Hz, and by fifteen dB for frequencies less than or equal to one hundred twenty-five Hz.

(w) "Repetitive impulsive noise" means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at the "fast" meter characteristic will show changes in sound pressure level greater than ten dB(A).

(x) "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

(y) "Sound level meter" means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighing networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of Type 2 or better as specified in American National Standards Institute Publication S1. 4-1971 or its successor publication.

(z) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(aa) "Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure, which shall be twenty micropascals, denoted LP or SPL.

(ab) "Stationary noise source" means any device, fixed or movable, which is located or used on property other than a public right-of-way.

(ac) "Steady noise" means a sound pressure level which remains essentially constant during the period of observation, that is, that it does not vary more than six dB(A) when measured with the "slow" meter characteristic of a sound level meter. (Ord. 91-26, 12-12-91)

11-2-3. Sound level - Measurement method.

Sound level measurements shall be made with a sound level meter using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the county health department. (Ord. 91-26, 12-12-91)

11-2-4. Noises prohibited.

(1) In addition to the specific prohibitions outlined in subsection (2) and Sections 11-2-6 and 11-2-9, or their successors, it is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of the city.

(2) The following acts are declared to be in violation of this chapter:

(a) sounding any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle on any street or public place within the city, except as a danger warning signal as provided in Title 41 of the Utah Code, or the sounding of any such signaling device for an unnecessary or unreasonable period of time;

(b) (i) using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in subsection (2)(c), in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance.

(ii) operating any device listed in subsection (2)(b)(i) between the hours of ten p.m. and six a.m. Monday through Friday, and between the hours of ten p.m. through eight a.m. Saturday and Sunday in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty feet (fifteen meters) from such device when operated within a vehicle parked in a public place or on a public right-of-way;

(c) using or operating a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate Section 11-2-6, or its successor, or cause a noise disturbance unless a permit as provided by Section 11-2-7 or its successor, is first obtained;

(d) selling anything by outcry within any area of the city zoned primarily for residential uses in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similarly licensed public entertainment events;

(e) owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual noisemaking, violate Section 11-2-6 or its successor, or causes a noise disturbance. The provisions of this section shall apply to all private and public facilities, including any animal pounds which hold or treat animals;

(f) loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of nine p.m. and seven a.m. the following day in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(g) operating or causing to be used or operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto, either:

(i) in residential or commercial zoning districts between the hours of nine p.m. and seven a.m. the following day; or

(ii) in any zoning district where such operation exceeds the second-level limits for an industrial land use as set forth in Section 11-2-6 or its successor;

(h) operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair or grounds maintenance, including, but not limited to a power saw, sander, lawnmower, garden equipment or snow removal equipment, in residential or commercial zones:

(i) outdoors between the hours of nine p.m. and seven a.m. the following day; or

(ii) any such power equipment which emits a sound pressure level in excess of seventy-four dB(A) measured at a distance of fifty feet (fifteen meters);

(i) operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than five horsepower, including but not limited to chain saws, pavement breakers, log chippers, powered hand tools:

(i) in residential or commercial zoning districts between the hours of nine p.m. and seven a.m. the following day;

(ii) in any zoning district if such equipment emits a sound pressure level in excess of eighty-two dB(A) measured at a distance of fifty feet (fifteen meters);

(j) operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at appoint that is normally occupied by a customer, maximum sound pressure levels of one hundred dB(A), as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least two hundred twenty-five square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate Section 11-2-6 or its successor;

(k) permitting any motor vehicle racing event at any place in such a manner as to violate Section 11-2-6, or cause a noise disturbance, without first obtaining a permit as provided by Section 11-2-7 or successor sections;

(l) flying a model aircraft powered by internal combustion engines, whether tethered or not, or firing or operating model rocket vehicles or other similar noise-producing devices, between the hours of nine p.m. and seven a.m. the following day, or in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(m) operating any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger;

(n) operating or permitting to be operated or used any truck, automobile, motorcycle or other motor vehicle which, by virtue of disrepair or manner of operation, violates Section 11-2-6 or its successor, or causes a noise disturbance;

(o) operating or causing or permitting to be operated or used, any refuse-compacting vehicle which creates a sound pressure level in excess of seventy-four dB(A) at fifty feet (fifteen meters) from the vehicle;

(p) collecting garbage, waste or refuse between the hours of nine p.m. and seven a.m. the following day:

(i) in any area zoned residential, or within three hundred feet of an area zoned residential,

(ii) in any zoning district so as to cause a noise disturbance;

(q) operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance for a consecutive period longer than fifteen minutes during which such vehicle is stationary in a residential zone;

(r) creating noise in excess of the residential standard, as defined in Section 11-2-6 or its successor, within the vicinity of any school, hospital, institution of learning, court, or other designated area where exceptional quiet is necessary, while the same is in use, provided conspicuous signs are displayed in the streets indicating that the same is a quiet zone;

(s) sounding, operating or permitting to sound or operate an electronically amplified signal from any burglar alarm, bell, chime or clock, including but not limited to bells, chimes or clocks in schools, houses of religious worship or governmental buildings, which fails to meet the standards set forth in Section 11-2-6 or its successor, for more than five minutes in any hour;

(t) sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work, or for any other purpose except as a sound signal of imminent danger, in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(u) (i) operating a recreational vehicle or snowmobile in a manner which violates Section 11-2-6 or its successor, or causes a noise disturbance,

(ii) selling or operating any recreational vehicle or snowmobile, manufactured after 1977, in the city unless such vehicle produces no more than a maximum sound level of eighty-two dB(A) at fifty feet (fifteen meters).

(Ord. 2011-18, 10-19-11); (Ord. 91-26, 12-12-91)

11-2-5. Exempt uses and activities.

The following uses and activities shall be exempt from noise level regulations:

(1) noise of safety signals, warning devices and emergency pressure-relief valves;

(2) noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;

(3) noise resulting from emergency work, as determined by the director of the county board of health or such director's designee;

(4) noise resulting from lawful fireworks and noisemakers used in celebration of an official holiday;

(5) any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the director of the county health department in accordance with Section 11-2-7 or its successor. (Ord. 91-26, 12-12-91)

11-2-6. Zoning districts and permitted noise levels.

(1) It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period of not less than ten minutes unless otherwise provided in this chapter, and which exceeds the limits set forth for the following receiving zoning districts, when measured at the boundary or at any point within the property affected by the noise:

Zoning District	9 p.m. - 7 a.m.	7 a.m. - 9 p.m.
Residential	50 dB(A)	55 dB(A)
Commercial	55 dB(A)	60 dB(A)
Manufacturing	75 dB(A)	80 dB(A)

When a noise source can be identified and its noise measured in more than one zoning district, the limits of the most restrictive district shall apply at the boundaries between the different zoning districts.

(2) (a) It is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any zoning district which creates a tenth percentile sound pressure level (L10) of fifteen dB(A) greater than the levels set forth for the receiving zoning districts in subsection (1) for any measurement period. Such period shall not be less than ten minutes.

(b) Notwithstanding subsection (2)(a), it is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any zoning district which creates a tenth percentile sound pressure level (L10) greater than fifteen dB(A) above the ambient and sound pressure level (L90) of any measurement period. Such period shall not be less than ten minutes.

(3) (a) For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in subsection (1) shall be reduced by five dB(A).

(b) Notwithstanding compliance with subsection (3)(a), it is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance. (Ord. 91-26, 12-12-91)

11-2-7. Permit for relief from restrictions - Conditions.

(1) Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to the county health department. Any permit granted by the director of the county health department an authorized representative shall contain all conditions upon which the permit has been granted, including the effective dates, any time of day, location, sound pressure level, or equipment limitation.

(2) The relief requested may be granted upon good and sufficient showing:

(a) that additional time is necessary for the applicant to alter or modify such applicant's activity or operation to comply with this chapter;

(b) that the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; or,

(c) that no reasonable alternative is available to the applicant.

(3) The director of health may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood. (Ord. 91-26, 12-12-91)

11-2-8. Enforcement responsibility.

The county health department shall have primary, but not exclusive, enforcement responsibility for this chapter as it relates to stationary sources, and joint enforcement responsibility with appropriate law enforcement agencies as it relates to vehicular or portable sources. (Ord. 91-26, 12-12-91)

11-2-9. Violation - Penalty.

Any person violating any provision of this chapter shall be guilty of a class C misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 91-26, 12-12-91)

11-2-10. Violation - Additional remedies.

Violations of Sections 11-2-3 through 11-2-9 of this chapter or their successor sections, are deemed and declared to be a nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 91-26, 12-12-91)

CHAPTER 3. CAMPAIGN SIGNS

11-3-1 through 11-3-10. Repealed. (Ord. 94-27, 12-19-94)

CHAPTER 4. GRAFFITI

11-4-1. Legislative determination.
11-4-2. Definitions.
11-4-3. Graffiti prohibited.
11-4-4. Spray paint and markers - Sale to minors prohibited.
11-4-5. Spray paint and markers - Prohibited possession.
11-4-6. Penalty.
11-4-7. Reward for information leading to arrest of perpetrator.

11-4-1. Legislative determination.

The city council hereby declares as a matter of legislative determination that:

(1) The increasing incidents of the defacement of public and private property through the application of graffiti upon walls, rocks, bridges, buildings, fences, gates, other structures, trees and other real and personal property within the corporate boundaries of the city constitutes a blight on this community, and, in the interests of the health, safety and general welfare of the residents and taxpayers of the city, immediate steps must be taken to remove this blight.

(2) Based upon reports which the city council has received, such defacement of property is most often committed by persons under the age of eighteen years using aerosol containers of spray paint, broad tipped indelible markers.

(3) When any such person has a legitimate need for such aerosol containers and markers, the same may be furnished by a parent or guardian.

(4) Such aerosol containers and markers are frequently stolen from retail stores by such persons.

(5) The sale of such aerosol containers and markers to such persons should therefore be prohibited, and persons who are engaged in the retail sale of such aerosol containers and markers should be required to take reasonable steps to prevent the theft of such aerosol containers and markers.

(6) When appropriate, the courts should require those who commit acts of defacement of public or private property through the application of graffiti to restore the property so defaced, damaged or destroyed.

(7) Obtaining convictions for the application of graffiti is difficult due to the fact that the offense can be committed so very quickly and secretively that witnesses to the act are frequently nonexistent.

(8) The public should be encouraged, through the promise of a reward, to cooperate in the elimination of graffiti by reporting to the proper authorities the incidents of the application of graffiti which the members thereof observe.

11-4-2. Definitions.

As used in this chapter and except as otherwise required by the context:

(1) "Application of graffiti" means the act of defacing, damaging or destroying any real or personal property of another through the use of an aerosol container of spray paint or a broad tipped indelible marker.

(2) "Broad tipped indelible marker" means any felt tipped marker or similar implement which contains a fluid which is not soluble in water and has a flat or angled writing surface of a width of one-half inch or greater.

11-4-3. Graffiti prohibited.

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as graffiti without the permission of the owner or operator of such property.

11-4-4. Spray paint and markers - Sale to minors prohibited.

It shall be unlawful for any person to sell, offer to sell or to cause to be sold any aerosol container of spray paint or broad tipped indelible marker to any person under the age of eighteen years.

11-4-5. Spray paint and markers - Prohibited possession.

(1) It shall be unlawful for any person under the age of 18 years to purchase or possess any aerosol container of spray paint or broad tipped indelible marker unless accompanied by a parent or guardian, or while involved in an activity sponsored by a school, church or community.

(2) It is unlawful for any person under the age of 18 years to misrepresent his age, or for any other person to misrepresent the age of a person under 18 years of age for the purpose of purchasing or otherwise obtaining aerosol spray paint or broad tipped indelible markers for a person under 18 years of age.

11-4-6. Penalty.

Any person who is convicted of violating any provision of this Chapter shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment for a term of not less than six months, or by any combination of such fine and imprisonment. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed.

11-4-7. Reward for information leading to arrest of perpetrator.

(1) The city will pay to any person who provides information which leads to the arrest and conviction of any person who applies any drawing, inscription, figure or mark of the type which is commonly known and refereed to as "graffiti" to any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property a reward in the amount of $250.00.

(2) The reward shall be paid to the person who provides such information immediately upon the conviction of the person so arrested.